



Housing Element & Fair Share Plan

Borough Of Wallington
Bergen County, New Jersey
June 30, 2025



2025 HOUSING ELEMENT AND FAIR SHARE PLAN


**BOROUGH OF WALLINGTON
BERGEN COUNTY, NEW JERSEY**

PREPARED FOR:

BOROUGH OF WALLINGTON PLANNING BOARD

BA# 4171.02

The original document was appropriately signed and sealed on June 30, 2025 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.



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The Housing and Fair Share Plan was adopted by the Borough of Wallington Planning Board after public hearing on June 30, 2025

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EXECUTIVE SUMMARY

The following **2025 Housing Element and Fair Share Plan (HE&FSP) of the Master Plan** has been prepared for the Borough of Wallington, Bergen County, New Jersey.

This plan is designed to outline the manner in which the Borough will address its affordable housing obligations for the upcoming Fourth Round. As will be discussed in greater detail in this document, these obligations were derived from a variety of different sources including the Council on Affordable Housing (COAH), prior Court-approved Judgments of Compliance and Repose, settlement agreements with Fair Share Housing Center (FSHC), and most recently from Fourth Round obligation calculations provided by the Department of Community Affairs (DCA).

In summary, the Borough's affordable housing obligation over the prior and current Fourth Round is as follows:

Table 1: Affordable Housing Obligations Summary

Category	Obligation
Present Need (Rehabilitation) Obligation	81
First & Second Round Obligation (1987-1999)	5
Third Round Obligation (1999-2025)	125
Fourth Round Obligation (2025-2035)	92

Historic Overview

First and Second Round

Enacted in 1985, the Fair Housing Act (FHA) established the Council on Affordable Housing (COAH) which was charged with establishing rules and regulations to promote the development of affordable housing in the State of New Jersey. COAH was created in response to the extensive litigation arising from the Supreme Court's Mount Laurel I and II decisions wherein the Court determined that every municipality had a State constitutional obligation to provide the realistic opportunity for the development of affordable housing within their communities. COAH was created to expedite and otherwise remove the court system from exclusionary zoning disputes and to provide the administrative mechanism of review and mediation as a much more preferable avenue for resolving affordable housing issues.

In 1987 and again in 1994, COAH had adopted a 'fair share' methodology to determine housing-need numbers for all municipalities in the state. COAH subsequently adopted a combined first and second round housing need numbers for the entire state and established an obligation of 5 affordable units for the Borough of Wallington covering the years 1987-1999.

Third Round Obligation

At the end of the second-round period which expired in 1999, COAH subsequently promulgated new rules for the Third Round" of affordable housing regulations and introduced the concept of "Growth Share" as the methodology by which municipal affordable housing obligations and compliance would be determined. Simply stated, the growth share model established a municipality's affordable housing requirements as a function of its potential future residential and economic growth.

Significantly, these regulations were challenged as unconstitutional in court by affordable housing advocates and representatives of the building industry. After years of litigation and failed amendments, on September 26, 2013, the New Jersey Supreme Court (Court) affirmed the Appellate Division's invalidation of COAH's "growth share methodology" and endorsed the remedy that required COAH to adopt new Third Round Rules within five (5) months.¹ The effect of the Supreme Court's decision was to require COAH to adopt new Third Round Rules by February 26, 2014 consistent with the lower court's decision.

After numerous delays, court challenges and COAH's failure to adopt revised regulations consistent with the Court's order and in response to the Fair Share Housing Center (FSHC) filing a motion "in aid of litigant's rights," the Supreme Court issued its decision In re: Adoption of N.J.A.C. 5:96 & 5:97, 221 N.J. 1 (2015) on March 10, 2015 stripping COAH of its administrative duties relating to the affordable housing certification process. This decision granted FSHC's motion in aid of litigant's rights, declared COAH ineffective in complying with the mandates of the FHA, dissolved the substantive certification process before COAH and created a judicial process by which a municipality can file a declaratory judgment action with the court seeking a judicial determination that their housing element satisfied their "third round" affordable housing obligation.

Pursuant to the New Jersey Supreme Court's March 10, 2015 decision and to preserve immunity from developer remedy lawsuits, the Borough filed a declaratory judgment action (DJ Action) entitled In the Matter of the Application of the Borough of Wallington for Judgement of Compliance and Repose, County of Bergen, Docket Number BER-L-6285-15 with the Superior Court. The DJ Action sought a judicial determination of compliance with the Borough's Third Round affordable housing obligation.

As a result of ongoing mediation and by way of settlement with the Fair Share Housing Center, the Borough's prospective need for the Third Round was determined to be 125 units which also included the Gap Period Present Need as determined by the New Jersey Supreme Court in In re Declaratory Judgement Actions Filed by Various Municipalities, 227 N.J. 508 (2017).

The DJ Action was settled, and the settlement agreement between Fair Share Housing Center and the Borough (the "Settlement Agreement") was reviewed and approved by the Superior Court of New Jersey, the Honorable Christine Farrington, J.S.C. presiding, after a Fairness Hearing held on

¹ See in re: N.J.A.C. 5:96 & 5:97, 416 N.J. Super. 462, 511 (App. Div. 2010).

November 20, 2019, which approval is memorialized in an order entered by the court and filed on January 6, 2020 (the “Settlement Order”).

Fourth Round Obligation

Governor Murphy signed the A-40/S-50 Bill into law on March 20, 2024 upon adoption by the State Senate and Assembly. This legislation (FHA-2) amended the Fair Housing Act (FHA or the Act) by abolishing COAH and created a new process that involved the creation of an entity known as the Affordable Housing Dispute Resolution Program (the Program), which is overseen by seven retired Mount Laurel judges. The Program has taken the place of the trial courts and COAH regarding the approval process involving municipal HE&FSPs. The DCA and the Administrative Office of the Courts (AOC) are both also involved in assisting the Program with this process.

FHA-2 directed the DCA to calculate the Present Need (also referred to as the Rehabilitation obligation) and the Prospective Need (also known as the new construction obligation) for Round Four based upon the standards set forth in the Act. The DCA issued its report on October 18, 2024, and, in accordance with the Act, made clear that the obligations generated by the report were advisory only and were non-binding. For the Borough of Wallington, the DCA Report identified a Present Need of 4 units and a Prospective Round Four Need of 233 units.

Since the DCA report was non-binding, each municipality the legislation provided municipalities the opportunity to study and define why its obligations should be different based on the standards in the Act. The Borough determined to accept the DCA determination of present and prospective need and adopted Resolution on January 2025 certifying the Borough’s Fourth Round Obligation which is to be addressed by this plan document.

FAIR SHARE OBLIGATION

The following section provides an overview of the Borough’s fair share obligation. It includes a brief overview of the methodology utilized to calculate affordable housing obligations throughout the state.

Accordingly, the remainder of this 2025 HE&FSP is divided into the following sections

❖ Section 1: Introduction

The first section of the 2025 HE&FSP provides an introduction to affordable housing. It summarizes what affordable housing is, offers an overview of the history of affordable housing in the state, and explains the role of a housing element and fair share plan.

❖ Section 2: Housing Element

Section 2 contains the Housing Element for the Borough of Wallington. It offers a community

overview of the Borough, as well as background information regarding its population, housing, and employment characteristics. It also provides projections of the Borough's housing stock and employment.

❖ Section 3: Fair Share Obligation

Next, Section 3 provides an overview of the Borough's fair share obligation. It includes a brief history of the methodologies utilized to calculate affordable housing obligations throughout the state.

❖ Section 4: Fair Share Plan

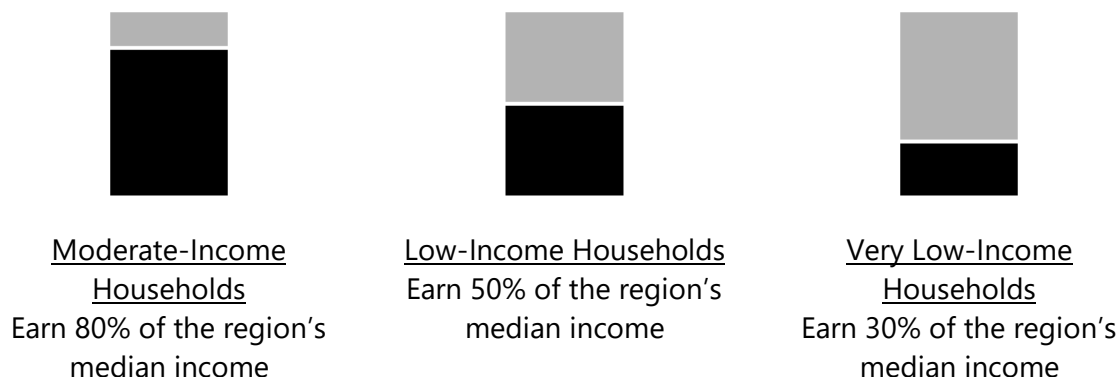
Finally, Section 4 details the manner in which the Borough has addressed its prior First, Second and Third Round obligations, how it will address its Fourth Round Prospective Need Obligation, and how same is consistent with the FHA, applicable COAH and UHAC regulations, and state planning initiatives.

SECTION I: INTRODUCTION

The following section provides an introduction to affordable housing. It summarizes what affordable housing is, offers an overview of the history of affordable housing in the state, and explains the role of a housing element and fair share plan.

A. What is Affordable Housing?

Affordable housing is income-restricted housing that is available for sale or for rent. Typically, affordable housing is restricted to very-low, low-, and moderate-income households. These categories are derived from median regional income limits established for the state. New Jersey is delineated into six different affordable housing regions. Wallington is located in Region1, which includes Bergen, Hudson, Passaic and Sussex counties.



Regional income limitations are updated every year, with different categories established for varying household sizes. Table 2 identifies the 2024 regional income limits by household size for Region 1. As shown, a three-person family with a total household income of no greater than \$86,697 for moderate income and \$54,185 for low income units could qualify for affordable housing in the Borough's region.

Table 2: 2024 Affordable Housing Region 1 Income Limits by Household Size

Income Level	2 Person	3 Person	4 Person	5 Person
Median	\$96,329	\$108,371	\$120,412	\$130,045
Moderate	\$77,064	\$86,697	\$96,329	\$104,036
Low	\$48,165	\$54,185	\$60,206	\$65,022
Very-Low	\$28,899	\$32,511	\$36,124	\$39,013

One of the most common forms of affordable housing is inclusionary development, in which a certain percentage of units within a multifamily development are reserved as affordable to low and moderate income families, adults with special needs and seniors that also qualify under the income guidelines. Affordable housing can be found in a variety of other forms, including but not limited to 100% affordable housing developments, deed-restricted accessory apartments, alternative living arrangements such as special need/supportive housing or group homes, assisted living facilities, and age-restricted housing.

B. WHAT IS THE HISTORY OF AFFORDABLE HOUSING IN NEW JERSEY?



The history of affordable housing in New Jersey can be traced back to 1975, when the Supreme Court first decided in *So. Burlington Cty. NAACP v. Borough of Mount Laurel* (known as Mount Laurel I) that every developing municipality throughout New Jersey had an affirmative obligation to provide for its fair share of affordable housing. In a subsequent Supreme Court decision in 1983 (known as Mount Laurel II), the Court acknowledged that the vast majority of municipalities had not addressed their constitutional obligation to provide affordable housing.

As such, the Court refined this obligation to establish that every municipality had an obligation, although those within the growth area of the State Development and Redevelopment Plan (SDRP) had a greater obligation. The Court also called for the state legislature to enact legislation that would save municipalities from the burden of having the courts determine their affordable housing needs. The result of this decision was the adoption of the Fair Housing Act in 1985, as well as the creation of the New Jersey Council on Affordable Housing (COAH), which became the state agency responsible for overseeing the manner in which New Jersey's municipalities address their low- and moderate-income housing needs.

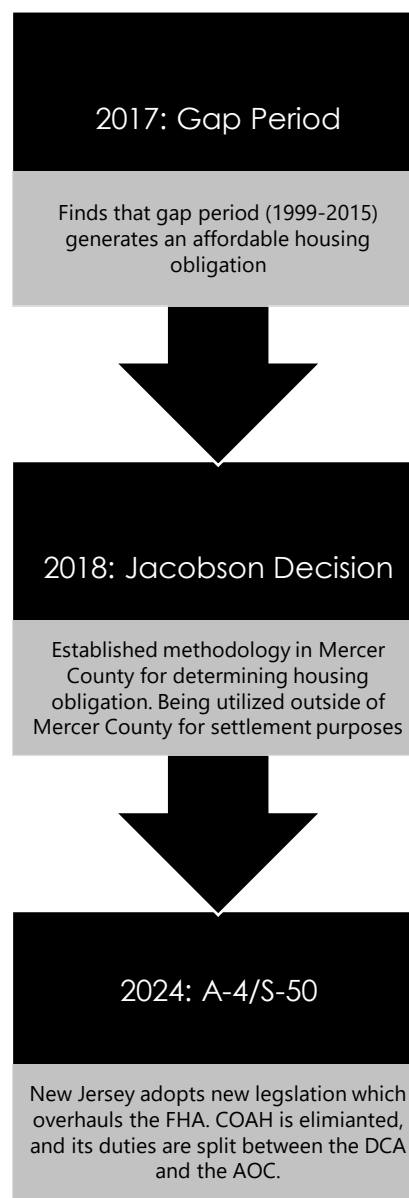
COAH proceeded to adopt regulations for the First Round obligation, which covered the years 1987 to 1993. It also

established the Second Round housing-need numbers that cumulatively covered the years 1987 through 1999. Under both the First and Second Rounds, COAH utilized what is commonly referred to as the "fair share" methodology. COAH utilized a different methodology, known as "growth share," beginning with its efforts to prepare Third Round housing-need numbers. The Third Round substantive and procedural rules were first adopted in 2004.

These regulations were challenged and in January 2007, the Appellate Division invalidated various aspects of these rules and remanded considerable portions of the rules to COAH with the directive to adopt revised regulations.

In May 2008, COAH adopted revised Third Round regulations which were published and became effective on June 2, 2008. Coincident to this adoption, COAH proposed amendments to the rules they had just adopted, which subsequently went into effect in October 2008. These 2008 rules and regulations were subsequently challenged, and in an October 2010 decision, the Appellate Division invalidated the Growth Share methodology, and also indicated that COAH should adopt regulations pursuant to the Fair Share methodology utilized in Rounds One and Two. The Supreme Court affirmed this decision in September 2013, which invalidated much of the third iteration of the Third Round regulations and sustained the invalidation of growth share. As a result, the Court directed COAH to adopt new regulations pursuant to the methodology utilized in Rounds One and Two.

Deadlocked with a 3-3 vote, COAH failed to adopt newly revised Third Round regulations in October



2014. Fair Share Housing Center, who was a party in both the 2010 and 2013 cases, responded by filing a motion in aid of litigants' rights with the New Jersey Supreme Court. The Court heard the motion in January 2015 and issued its ruling on March 20, 2015. The Court ruled that COAH was effectively dysfunctional and, consequently, returned jurisdiction of affordable housing issues back to the trial courts where it had originally been prior to the creation of COAH in 1985.

This 2015 Court decision created a process in which municipalities may file a declaratory judgment action seeking a declaration that their HE&FSP is constitutionally compliant and receive temporary immunity from affordable housing builders' remedy lawsuits while preparing a new or revised HE&FSP to ensure their plan continues to affirmatively address their local housing need as may be adjusted by new housing-need numbers promulgated by the court or COAH.

Subsequently, the Supreme Court ruled on January 18, 2017 that municipalities are also responsible for obligations accruing during the so-called "gap period," the period of time between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need, which would serve to capture Gap Period households that were presently in need of affordable housing as of the date of the Present Need calculation (i.e. that were still income eligible, were not captured as part of traditional present need, were still living in New Jersey and otherwise represented a Present affordable housing need).

On March 20, 2024, Governor Murphy signed the A4/S50 Bill into law, which amended the FHA for the Fourth Round and beyond. The amendments to the FHA eliminated COAH, moved away from just allowing trial courts to approve municipal HE&FSPs, and created a new entity to approve the plans known as The Program, which consists of seven retired Mount Laurel Judges. FHA-2 also involved the DCA and the AOC in the process.

The DCA was designated by the amended FHA as the entity responsible for calculating the state's regional needs as well as each municipality's present and prospective fair share obligations pursuant to the Jacobson Decision. However, the Amended FHA makes clear that these numbers are advisory and non-binding, and that each municipality must set its own obligation number utilizing the same methodology. The Program was tasked to handle any disputes regarding affordable housing obligations and plans, and to ultimately issue a Compliance Certification to approve a municipality's HE&FSP, which would continue immunity from all exclusionary zoning lawsuits until July 30, 2035.

C. What is a Housing Element and Fair Share Plan? A HE&FSP serves as the blueprint for how a municipality will address its fair share of affordable housing. It is designed to help a community broaden the accessibility of affordable housing.

While technically a discretionary component of a municipal master plan, a HE&FSP is nevertheless an effectively obligatory plan element. As established by N.J.S.A. 40:55D-62.a of the Municipal Land Use Law (MLUL), a municipality must have an adopted HE&FSP in order

The Municipal Land Use Law (MLUL) is the enabling legislation for municipal land use and development, planning, and zoning for the State of New

to enact its zoning ordinance. Thus, from a public policy perspective, a HE&FSP is an essential community document. Moreover, without an approved HE&FSP, a municipality may be susceptible to a builder's remedy lawsuit in which a developer could file suit to have a specific piece of property rezoned to permit housing at higher densities than a municipality would otherwise allow, provided a certain percentage of units are reserved as affordable.

The Fair Housing Act, as most recently amended pursuant to FHA-2, establishes the required components of a HE&FSP. These are summarized as follows:

1. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
2. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
3. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing;
6. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing;
7. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission;
8. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

Section 2: Housing Element

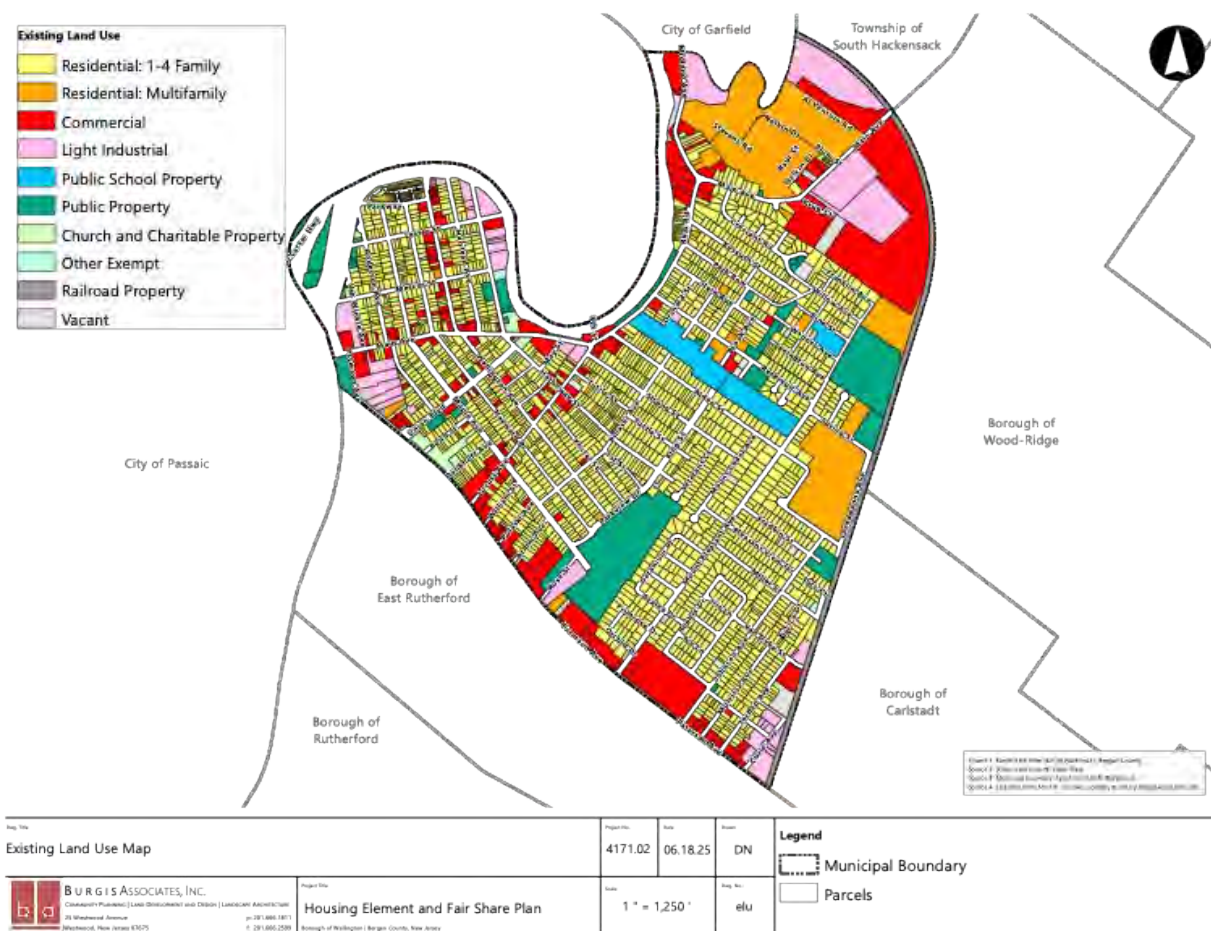
The following section provides the housing element for the Borough of Wallington. It offers a community overview of the Borough, as well as background information regarding its population, housing, and employment characteristics. It also provides projections of the Borough's housing stock and its employment.

A. COMMUNITY OVERVIEW

The Borough of Wallington is located in the southwest corner of Bergen County and is slightly less than one square mile in area. The Borough is bounded by the Passaic and Saddle Rivers along its northerly boundary beyond which lies the City of Passaic to the northwest. The City of Garfield and the Township of South Hackensack are situated to the north, the Borough of Wood Ridge lies to the east separated from the Borough by an active commuter rail line operated by New Jersey Transit. The Borough of Carlstadt is situated to the southeast and the Borough of East Rutherford to the southwest.

The Borough is a fully developed community that is primarily residential in character with commercial and industrial uses concentrated along the periphery of the Borough and along Paterson, Locust and Main Avenues. The distribution of land uses is illustrated by the ensuing land use map.

Map 1: Existing Land Use



B. INFORMATION REGARDING DATA SOURCES

The background information contained in Section 2.C entitled "Inventory of Municipal Housing Stock," Section 2.D entitled "Projection of Municipal Housing Stock," Section 2.E entitled "Demographic and Population Data," and Section 2.F entitled "Employment Characteristics and Projections" was obtained from a variety of publicly available data sources. These are summarized below:

<p>United States Decennial Census</p> <p>The US Census is described in Article I, Section 2 of the Constitution of the United States, which calls for an enumeration of the people every ten years for the apportionment of seats in the House of Representatives. Since the time of the first Census conducted in 1790, it has become the leading source of data about the nation's people and economy. Please note that all incomes reported in the Census are adjusted for inflation.</p>	<p>New Jersey Department of Community Affairs (DCA)</p> <p>The New Jersey Department of Community Affairs is a governmental agency of the State of New Jersey. Its function is to provide administrative guidance, financial support, and technical assistance to local governments, community development organizations, businesses, and individuals to improve the quality of life in New Jersey.</p>
<p>American Community Survey (ACS)</p> <p>The American Community Survey is a nationwide ongoing survey conducted by the US Census Bureau. The ACS gathers information previously contained only in the long form version of the decennial census, such as age, ancestry, educational attainment, income, language proficiency, migration, disability, employment, and housing characteristics. It relies upon random sampling to provide ongoing, monthly data collection. Please note that all incomes reported in the ACS are adjusted for inflation.</p>	<p>New Jersey Department of Labor and Workforce Development</p> <p>The New Jersey Department of Labor and Workforce Development is a governmental agency of the State of New Jersey. One of its roles is to collect labor market information regarding employment and wages throughout the state.</p>
<p>New Jersey Department of Health</p> <p>The New Jersey Department of Health is a governmental agency of the State of New Jersey. The department contains the Office of Vital Statistics and Registry, which gathers data regarding births, deaths, marriages, domestic partnerships, and civil unions.</p>	

C. INVENTORY OF MUNICIPAL HOUSING STOCK

This section of the Housing Element provides an inventory of the Borough's housing stock, as required by the MLUL. The inventory details housing characteristics such as age, condition, purchase/rental value, and occupancy. It also details the number of affordable units available to low- and moderate-income households and the number of substandard housing units capable of being rehabilitated.

1. Number of Dwelling Units. As shown in the table below,

Table 3: Dwelling Units (1980-2023)

Year	Dwellings	Numerical Change	% Change
1980	4,728		
1990	4,873	145	3%
2000	4,906	33	1%
2010*	5,004	98	2%
2023*	5,153	149	3%

Sources: U.S. Census, *American Community Survey 5-Year Estimates

The Borough's housing stock has not expanded significantly between 1980 to 2023 growing between 1 to 3 percent during the past 43 years. This reflects the developed character of Wallington where new construction and growth is limited due to the lack of available land to expand.

The following table 4 provides details regarding the tenure and occupancy of the Borough's housing stock. As shown below, the majority of the Borough's housing stock is comprised of rental units the proportion of which increased since 2010, by 21.8% while owner occupied units declined by 12%. Vacant units represented the largest decline by 34.4% during the same period reflecting a tightening housing market.

Table 4: Housing Units by Tenure and Occupancy Status (2010 and 2023)

	2010		2023*	
Category	# of Units	%	# of Units	%
Owner Occupied	2,159	43.1%	1,900	36.9%
Renter Occupied	2,467	49.3%	3,005	58.3%
Vacant Units	378	7.6%	248	4.8%
Total	5,004	100.0%	5,153	100.0%

Source: American Community Survey 5-Year Estimates

2. Housing Characteristics. This section provides additional information on the characteristics of the Borough's housing stock, including the number of units in a structure (Table 5). The Borough is primarily a residential community where two-family structures accounts for 34.7% percent of the Borough's housing stock, although this is a decrease from the 38.7% percent reported in 2010. The single greatest growth occurred within the multifamily categories of 3-4 unit and 10-19 unit residential housing. Proportionally, multifamily unit types (3 or more) combined represent 39.5% of the housing stock.

Table 5: Units in Structure (2010 and 2023)

Units in Structure	2010*		2023*	
	No.	%	No.	%
Single Family, Detached	1343	26.8%	1182	22.9%
Single Family, Attached	140	2.8%	147	2.9%
2	1937	38.7%	1786	34.7%
3 or 4	440	8.8%	558	10.8%
5 to 9	157	3.1%	417	8.1%
10 to 19	440	8.8%	594	11.5%
20+	547	10.9%	469	9.1%
Mobile Home	0	0.0%	0	0.0%
Other	0	0.0%	0	0.0%

Source: American Community Survey 5-Year Estimate

3. Housing Age. Table 6 shows that 73% of the Borough's housing units were built up to 1969 reflective of an older and aging housing stock.

Table 6: Year Structures Built

2023*		
Year Units Built	Number	Percent
2020 or Later	0	0.0%
2010 to 2019	71	1.4%
2000 to 2009	228	4.4%
1990 to 1999	354	6.9%
1980 to 1989	240	4.7%
1970 to 1979	502	9.7%
1960 to 1969	1240	24.1%
1950 to 1959	862	16.7%
1940 to 1949	622	12.1%
1939 or earlier	1034	20.1%
Total	5,153	100.0%

Source: American Community Survey 5-Year Estimates

4. Housing Conditions. Table 7 provides an indication of overcrowded housing units, represented by units containing more than one occupant per room which is an indicator used to gauge substandard housing. Although the data indicates that, in both 2010 and 2023, only a very small percentage of the Borough's dwelling units can be considered overcrowded there was a 1.4% increase in the number of overcrowded units with 1.01 to 1.50 persons per room, however, this was offset somewhat in a 0.9 decrease in the number of units with 1.51 or more persons per room.

Table 7: Occupants per Room (2010 and 2023)

Occupants Per Room	2010*		2023*	
	Number	%	Number	%
1.00 or less	4,362	94.3%	4,601	93.8%
1.01 to 1.50	128	2.8%	205	4.2%
1.51 or more	136	2.9%	99	2.0%
Total Occupied Units	4,626	100%	4,905	100.0%

Source: American Community Survey 5-Year Estimates

5. Table 8 presents additional detail regarding housing conditions, including the presence of complete plumbing and kitchen facilities and the type of heating equipment used. These statistics are also indicators of substandard housing. As shown below, the housing stock reflects only a very small proportion of housing that lack these critical facilities representing a well maintained housing inventory.

Table 8: Equipment and Plumbing Facilities (2010 and 2023)

Facilities	2010*		2023*	
	Number	Percent	Number	Percent
Kitchen:				
With Complete Facilities	4589	99.2%	4,881	99.5%
Lacking Complete Facilities	37	0.8%	24	0.5%
Plumbing:				
With Complete Facilities	4594	99.3%	4,905	100.0%
Lacking Complete Facilities	32	0.7%	0	0.0%
Heating Equipment:				
Standard Heating Facilities	4599	99%	4,849	98.9%
Other Fuel	10	0%	17	0.3%
No Fuel Used	17	0.4%	39	0.8%
Total Occupied Units	4626	100	4,905	100

Source: American Community Survey 5-Year Estimates

6. Purchase and Rental Values. The Borough experienced a rise in housing rental and purchase prices between 2010 and 2023, as shown in the following tables. The median gross rent for the Borough's rental housing stock increased between 2010 and 2023, from \$1,028 in 2010 to \$1,568 in 2023 representing a 52.5% increase while the median value of owner-occupied units in Wallington also increased during this period, though perhaps not nearly as much as renter-occupied units. The median value of owner-occupied units in the Borough increased 21.6% percent between 2010 and 2023, from \$ 406,000 in 2010 to \$493,700 in 2023. The increase in rent is reflective of a rental market that is becoming increasingly more expensive.

Table 9: Gross Rent of Specified Renter-Occupied Units (2010 and 2023)

Rent	2010		2023*	
	Number	Percent	Number	Percent
Less than \$500	41	2%	0	0.0%
\$500 to \$999	1094	45%	171	5.7%
\$1,000 to \$1,499	1308	54%	1107	36.8%
\$1,500 to \$1,999		0%	1050	34.9%
\$2,000 to \$2,499			424	14.1%
\$2,500 to \$2,999			56	1.9%
\$3,000 or more			33	1.1%
No cash rent	24	X	164	X
Total Occupied units paying rent	2443	100%	3,005	100.0%
Median Gross Rent	\$1,028		\$1,568	

Source: American Community Survey 5-Year Estimates

Table 10: Value of Specified Owner-Occupied Housing Units (2010 and 2023)

Value	2010*		2023*	
	Number	Percent	Number	Percent
Less than \$50,000	0	0.0%	170	8.9%
\$50,000 to \$99,999	8	0.4%	20	1.1%
\$100,000 to \$149,999	52	2.4%	0	0.0%
\$150,000 to \$199,999	96	4.4%	25	1.3%
\$200,000 to \$299,999	309	14.3%	86	4.5%
\$300,000 to \$499,999	1,214	56.2%	675	35.5%
\$500,000 to \$999,999	474	22.0%	904	47.6%
\$1,000,000 or more	6	0.3%	20	1.1%
Total Owner Occupied	2159	100.0%	1900	100.0%
Median Value	\$406,000		\$493,700	

Source: American Community Survey 5-Year Estimates

7. Number of Units Affordable to Low- and Moderate-Income Households. Based on the Affordable Housing Professionals of New Jersey (AHPNJ) 2024 regional income limits, the median household income for a three-person household in COAH Region 1, Wallington's housing region comprised of Bergen, Hudson, Passaic and Sussex Counties is \$108,371. A three-person moderate-income household, established at no more than 80 percent of the median income, would have an income not exceeding \$86,697. A three-person low-income household, established at no more than 50 percent of the median income, would have an income not exceeding \$54,185.

An affordable sales price for a three-person moderate-income household earning 80 percent of the median income is estimated at approximately \$346,788. An affordable sales price for a three-person low-income household earning 50 percent of the median income is estimated at approximately \$216,740. These estimates are based on the UHAC affordability controls outlined in N.J.A.C. 5:80-26.1 et seq. A good percentage of for sale units (51.3%) is priced within the affordability range for moderate income families, however only 15.8% of the housing stock would be available to low income families within the affordability range indicating a need to address this area of the housing stock.

For renter-occupied housing, an affordable monthly rent for a three-person moderate-income household is estimated at approximately \$1,565. The median rent which falls within this range of affordability. An affordable monthly rent for a three-person low-income household is estimated at approximately \$1,128. However, according to the 2023 American Community Survey, the average rent reported in 2023 is 39 percent over the affordability range for low income families.

8. Substandard Housing Capable of Being Rehabilitated. The DCA utilized a formula for calculating the number of units in a community that are in need of rehabilitation and are not likely to experience "spontaneous rehabilitation." Wallington's rehabilitation share has been determined by the DCA to be 81 based upon the HUD census data from its Comprehensive Housing Affordability Strategy (CHAS).

D. Projection of Municipal Housing Stock

Applicable fair housing regulations require a projection of the community's housing stock, including the probable future construction of low- and moderate-income housing, for the ten years subsequent to the adoption of the Housing Element. This projection shall be based upon an assessment of data which minimally must include the number of residential construction permits issued, approvals of applications for residential development, and probable residential development of lands. Each of these items are identified and outlined below.

1. Housing Units Constructed During the Last Ten Years. The table below provides data concerning residential building permits issued for new construction during the past ten years. During this period, a total of 134 residential building permits were issued for new construction, resulting in

36 new one and two family residential units and 98 multifamily. Overall, the Borough experienced modest growth in its single family housing stock from 2014 to 2023. On average that would suggest 3.5 dwelling units per year. However, the also table shows that there were two years of significant multifamily construction. These occurred in 2016 and 2023.

Table 11: Number of Residential Building Permits issued for New Construction (2014-2023)

Year Issued	One & Two Family	Multi-Family	Mixed- Use	Total
2014	7	0	0	7
2015	3	0	0	3
2016	6	56	0	62
2017	0	0	0	0
2018	3	0	0	3
2019	5	0	0	5
2020	7	0	0	7
2021	2	0	0	2
2022	3	0	0	3
2023	0	42	0	42
Total	36	98	0	134

Source: New Jersey Department of Community Affairs (DCA) Construction Reporter

2. Probable Residential Development of Lands. Considering the rate of residential growth experienced in Wallington over the past decade, current economic uncertainty, and the fact that there are no developable parcels remaining in the Borough, it is anticipated that Wallington's residential growth over the next decade will be driven primarily in the form of new inclusionary multi-family development as a result of affordable housing zoning adopted by the Borough. Presently these housing units have yet to fully develop but projects stemming from the Borough's Third Round affordable housing plan are under construction. Based upon construction of identified Third Round plan, a total of 524 units are anticipated from this construction. Further development resulting from the Fourth Round Plan will add a potential of an additional 460 units.

E. DEMOGRAPHIC AND POPULATION DATA

The MLUL requires that the Housing Element of this plan provide data on the municipality's population, including population size, age and income characteristics.

1. Population Size. As seen in the table below, the Borough's population experienced significant growth between 1920 to 1930 where the population increased by 59%. This decade of growth corresponds to the Borough's growing industrial base at the time which generated a need for workers. Since that time period population growth declined rapidly and remained at negative or

low growth levels where the highest level of population growth reached 11% in 1970.

Table 12: Population Growth (1920-2023)

Year	Population	Population Change	Percent Change
1920	5,715	--	--
1930	9,063	3348	59%
1940	8,981	-82	-1%
1950	8,910	-71	-1%
1960	9,261	351	4%
1970	10,284	1023	11%
1980	10,741	457	4%
1990	10,828	87	1%
2000	11,583	755	7%
2010	11,335	-248	-2%
2020	11,553	218	2%
2023*	11,825	272	2%

Sources: U.S. Census, *American Community Survey 5-Year Estimates

2. **Age Characteristics.** The Borough's age characteristics are represented in Table 13 below. The Borough's population is relatively young with an average age of 39 with a 28% increase in the 5-9 age group. However, this is 6.8% older than the decade before driven by the increase in the 64+ age group particularly between 65 and 84 years old. This is consistent with the greying of America experienced nationwide.
3. **Average Household Size.** The average size of Wallington households decreased slightly from 2000 to 2010 but increased to 3.05 average persons per household. The average household size increased slightly between 2000 and 2010 and decreased slightly by 2020 and has since stabilized from 2020 at an average household size of 2.41 persons.

Table 13: Age Characteristics (2010 and 2023)

Age Group	2010*		2023*	
	Pop	%	Pop	%
under 5	601	5.3%	698	6%
5-9	578	5.1%	740	
10-14	731	6.5%	577	5%
15-19	588	5.2%	494	
20-24	632	5.6%	669	6%
25-34	2,247	19.8%	1,846	16%
35-44	1,486	13.1%	1,967	17%
45-54	1,722	15.2%	1,799	15%
55-59	582	5.1%	654	6%
60--64	573	5.1%	551	
65-74	684	6.0%	945	8%
75-84	591	5.2%	705	6%
85+	313	2.8%	180	2%
Total	11,328	100.0%	11,825	85%
Median Age	36.5		39.0	

Source: American Community Survey 5-Year Estimates

Table 14: Average Household Size (2000-2023)

1980	10,741	4,572	2.35
1990	10,828	4,663	2.32
2000	11,583	4,752	2.44
2010	11,335	4,637	2.44
2020*	11,553	4,781	2.41
2023*	11,825	4,905	2.41

Sources: U.S. Census, *American Community Survey 5-Year Estimates

4. Household Income. The median household income for Wallington households increased modestly over the past decade by approximately 40.3 percent between 2010 and 2023, rising

from a median income of \$58,724 to \$82,422. The largest increases in income occurred in the \$75,000 to \$149,999 as reflected in the table below.

Table 15: Household Income Distribution (2010 to 2023)

Income Category	2010*		2023*	
	Number	%	Number	%
less than \$10,000	294	6%	188	3.8%
\$10,000 to \$14,999	159	3%	184	3.8%
\$15,000 to \$24,999	447	10%	389	7.9%
\$25,000 to \$ 34,999	443	10%	238	4.9%
\$35,000 to \$ \$49,999	655	14%	554	11.3%
\$50,000 to \$74,999	1,122	24%	646	13.2%
\$75,000 to \$99,999	597	13%	851	17.3%
\$100,000 to \$149,999	629	14%	879	17.9%
\$150,000 to \$199,000	224	5%	430	8.8%
\$200,000 or more	56	1%	546	11.1%
Total households	4,626	100%	4,905	100.0%
Median Income (Household)	\$58,724		\$82,422	

Source: American Community Survey 5-Year Estimates

F. Employment Characteristics and Projections

The MLUL requires that a Housing Element include data on employment levels in the community. The following tables present information on the Borough's employment characteristics.

1. Employment Status. Table 16 provides information on Wallington's employment status for the segment of the population 16 and over. The statistics presented in the table indicates little change where approximately 65.6 percent of the Borough's population 16 and over was in the labor force in 2023, which essentially unchanged from that reported in 2010. The most significant change during this period is the increase in the percentage of unemployed from 4.7 percent in 2010 to 5.9 percent in 2023.

Table 16: Employment Status - Population 16 & Over (2010 and 2023)

Employment Status	2010*		2023*	
	Number	%	Number	%
In labor force	6,098	65.3%	6,335	65.6%
Civilian labor force	6,098	65.3%	6,335	65.6%
Employed	5,663	60.7%	5,766	59.7%
Unemployed	435	4.7%	569	5.9%
% of civilian labor force	7.1	--	9	--
Armed Forces	0	0.0%	0	34.4%
Not in labor force	3,236	34.7%	3,318	34.4%
Total Population 16 and Over	9,334	100.0%	9,653	100.0%

American Community Survey 5-Year Estimates

2. Employment Characteristics of Employed Residents. The following two tables detail information on the employment characteristics of Wallington residents. Table 17 details employment by occupation and Table 18 details employment by industry.

Table 17: Employed Residents Age 16 and Over, By Occupation (2010 and 2023)

Occupation	2010		2023*	
	Number	Percent	Number	Percent
Management, business, science, and arts occupations	1,779	31.4%	2081	36.1%
Service occupations	969	17.1%	693	12.0%
Sales and office occupations	1,164	20.6%	1298	22.5%
Natural resources, construction, and maintenance occupations	1,093	19.3%	793	13.8%
Production, transportation, and material moving occupations	658	11.6%	901	15.6%
Total	5,663	100.0%	5,766	100.0%

Source: American Community Survey 5-Year Estimates

Table 18: Employed Residents Age 16 and Over, By Industry (2010 and 2023)

Industry	2010*		2023*	
	Number	Percent	Number	Percent
Agriculture, forestry, fishing and hunting, and mining	48	0.8%	4	0.1%
Construction	926	16.4%	725	12.6%
Manufacturing	771	13.6%	567	9.8%
Wholesale trade	118	2.1%	184	3.2%
Retail trade	403	7.1%	846	14.7%
Transportation and warehousing, and utilities	281	5.0%	521	9.0%
Information	145	2.6%	103	1.8%
Finance, insurance, real estate, and rental and leasing	375	6.6%	420	7.3%
Professional, scientific, management, administrative, and waste management services	615	10.9%	581	10.1%
Educational, health and social services	1,248	22.0%	1181	20.5%
Arts, entertainment, recreation, accommodation and food services	227	4.0%	264	4.6%
Other services (except public administration)	332	5.9%	245	4.2%
Public administration	174	3.1%	125	2.2%
Total	5,663	100.0%	5,766	100.0%

Source: American Community Survey 5-Year Estimates

As indicated in both tables, Borough residents are employed primarily in management, business, science, and arts occupations which is 36.1% of the population followed by sales and services (22.5%) both of which marginally increased as a percentage over the past decade. The primary industries that are engaged is education, health and social services (20.5%) followed by construction (12.6%).

3. Employment Projections. A projection of the Borough's probable future employment characteristics is based on an assessment of historic employment trends, the number of non-

residential construction permits issued, and probable non-residential development of lands. Each of these items are identified and outlined below.

- a. Historic Employment Trends. As shown in the table below, employment in Wallington has fluctuated over the years experiencing both job losses and gains. Periods of job loss is observed between 2012 to 2015 and again in 2020 where the Borough experienced its highest decline in employment of 18%. This decline coincides with the COVID epidemic which deeply affected the nation's economy. The Borough has recovered somewhat since 2020 however, still remains below its high of 2,173 jobs in 2012.

Table 19: Average Covered Employment Trends (2012-2023)

Year	Number of Jobs	Change in Number of Jobs	Percent Change
2012	2,173		
2013	2,103	-70	-3.3%
2014	1,916	-187	-9.8%
2015	1,844	-72	-3.9%
2016	1,988	144	7.2%
2017	2,043	55	2.7%
2018	2,138	95	4.4%
2019	2,069	-69	-3.3%
2020	1,753	-316	-18.0%
2021	1,793	40	2.2%
2022	1,968	175	8.9%
2023	2,005	212	10.6%

Sources: New Jersey Department of Labor and Workforce Development

- b. Non-Residential Square Footage Constructed During the Last Ten Years. The table below provides data concerning the amount of non-residential square footage authorized by building permits in Wallington between 2014 and 2023. During this period, building permits were issued 114,537 square feet of non-residential space, most of which was for office space which accounted for 94% of the square footage authorized. The largest expansion of office construction occurred in 2014 then declined from there with a smaller resurgence experienced in 2021 and 2022. No permits were authorized for nonresidential square footage in 2023.

Table 20: Non-Residential Space Authorized by Building Permits (2014-2023)

Year Issued	Office	Retail	A-1, A-2, A-3	Education	Total
2014	78,726	-	-	-	78,726
2015	-	-	-	-	-
2016	4,912	-	-	-	4,912
2017	2,500	-	-	-	2,500
2018	610	-	-	-	610
2019	1,377	-	-	-	1,377
2020	-	-	-	-	-
2021	9,660	-	-	-	9,660
2022	10,190	-	6,562	-	16,752
2023	-	-	-	-	-
Total	107,975	-	6,562	-	114,537

Source: New Jersey Department of Community Affairs (DCA) Construction Reporter

- c. Probable Non-Residential Development of Lands. As indicated above the Borough experienced modest non-residential space construction per year over the past decade. Given the lack of available land and the fact that the Borough is primarily a residential community, this trend is highly unlikely to change with one exception. The Borough recently designated an 11 acre tract located at 460-520 Main Avenue (the former Farmland Dairy site) as an “area in need of redevelopment” under the Local Redevelopment and Housing Law (LRHL) in 2022 and adopted a redevelopment plan that anticipates construction of an 800,000 square foot warehouse complex.
- d. Probable Future Employment Characteristics. Other than employment opportunities presented by the redevelopment of 460-520 Main Avenue, as detailed in Tables 18 and 19 above, employment coupled with the modest level of non-residential construction

over years, Wallington is not expected to experience significant job growth over the next decade.

SECTION 3: FAIR SHARE OBLIGATION

The following section provides an overview of the Borough's fair share obligation. It includes a brief overview of the methodology utilized to calculate affordable housing obligations throughout the state.

SUMMARY OF FAIR SHARE OBLIGATION

On March 20, 2024, Governor Murphy signed the A4/S50 Bill into law, which amended the FHA for the Fourth Round and beyond. The amendments to the FHA eliminated COAH, moved away from just allowing trial courts to approve municipal HE&FSPs, and created a new entity to approve the plans known as The Program, which consists of seven retired Mount Laurel Judges. FHA-2 also involved the DCA and the AOC in the process.

The Amended FHA now designates the DCA as the entity responsible for calculating the state's regional needs. Specifically, N.J.S.A. 52:27D-304.2 establishes the methodology to be utilized by the DCA to determine the state's regional prospective needs of low- and moderate-income housing for the ten-year period spanning from July 1, 2025 to June 30, 2035. In summary, the projected household change for this period is estimated by establishing the household change experienced in each region between the most recent federal decennial census and the second-most recent decennial census. This household change, if positive, is then to be divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region for the next ten years. This methodology resulted in a statewide prospective need of 84,698 low- and moderate-income units.

Furthermore, the DCA is also the entity responsible for calculating each municipality's present and prospective fair share obligations. However, FHA-2 makes clear that these calculations are advisory and non-binding, and that each municipality may set its own obligation number utilizing the same methodology.

On January 30, 2025, the Borough of Wallington adopted its resolution 2025-80 which established its affordable housing obligation for the Fourth Round. A copy of this resolution with the Borough's filing for Declaratory Relief is located in Appendices of this plan. As noted in that resolution, the Borough accepted DCA's Present Need calculation of 81 units and a Prospective Need of 92 units.

Table 21: Summary of Fair Share Obligation

Affordable Obligation	Units
Present Need (Rehabilitation)	81
Prospective Need	92

SECTION 4: FAIR SHARE PLAN

The following Fair Share Plan outlines the components and mechanisms the Borough will utilize to address its affordable housing obligations.

A. PLAN SUMMARY

The Fair Share Plan identifies the manner in which the Borough's fair share affordable housing obligations – inclusive of a Present Need (Rehabilitation) obligation of 81 units, and the Prospective Need from the First and Second Round obligation of 5 units, a Third Round need of 125 units and a Fourth Round obligation of 212 are to be addressed. These obligations are summarized as follows:

Table 22: Affordable Housing Obligations Summary

Category	Obligation
Present Need (Rehabilitation) Obligation	81
First & Second Round Obligation (1987-1999)	5
Third Round Obligation (1999-2025)	125
Fourth Round Obligation (2025-2035)	92
Total	303

B. PLAN COMPONENTS

This section of the plan details the projects, mechanisms and funding sources which will be used to meet the Borough's affordable housing obligations, as discussed above. The Plan Components Map included at the end of Section 4.C. of this plan illustrates the location of all developments identified herein.

(1) Present Need (Rehabilitation) Obligation

Wallington has a Present Need obligation of 81 units. The Borough established a housing rehabilitation program under the Third Round cycle and will continue its program into the Fourth Round and partner with the Bergen County Housing Rehabilitation Program.

(2) First and Second Round RDP

As discussed in Section 3 of this plan, Wallington's combined prior First and Second Round RDP obligation was 5 units. As part of the Borough's settlement with FSHC this obligation was satisfied with 4 affordable housing units plus 1 rental credit generated by the Morningside inclusionary development anticipated to be constructed within the Third Round.

The status of the Morningside inclusionary development is discussed in the ensuing section.

(3) Third Round Prospective Need

The Borough had a prospective need obligation of 125 units for the Third Round. Pursuant the Borough's 2020 Settlement Agreement with FSHC, the Borough demonstrated that it could satisfy the entirety of its Third Round obligation with three development projects as illustrated in Table 23. The Borough, therefore, did not have an unmet need for this round.

Table 23: Plan Components Satisfying 3RD Round RDP

Plan Component	Number of Units	Bonus	Credits	Status
Morningside: Block 71, Lots 35.01 & 35.02	38	32	70	Approved
Wallington Homes: Block 70.05, Lot 8.01	8	-	8	Approved
4H Site: Block 70.01, Lot 78	48*	-	48	Approved
Total	94	32**	126	

*18 percent set aside with not less than 269 housing units and not more than 275 housing units with alternative development scenario as permitted by the settlement agreement; **One bonus credit to be used for prior round obligation.

The Borough has fulfilled its obligation under the Third Round and took all of the required actions under its settlement agreement with FSHC and the Court Judgement of Compliance and Repose including approving the projects for construction. Resolutions of approval are appended to this document.

The projects are ongoing and expected to be constructed over the next year.

(4) Fourth Round RDP

By virtue of its acceptance of the NJDCA obligation the Borough intends to satisfy the entirety of its Prospective Need obligation of 92 units. Compliance mechanisms to address its Prospective Need is discussed below.

C. Plan Components

The following mechanisms form the basis of the Borough's Fourth Round compliance plan for the entirety of prospective need.

(1) The Borough has approved two inclusionary developments at the following addresses:

- a. 95-99 Midland Avenue, Block 71, Lots 13-14. This is an 18 unit inclusionary multifamily development that will yield 4 affordable units. Resolution of approval is attached to the appendices.

- b. 67 Paterson Avenue, Block 28, Lot 13. The Borough approved a 10 unit townhouse development that will yield 2 affordable units. Resolution of approval is attached to the appendices.

(2) The Borough intends to rezone the following properties for residential development.

- a. 1 Midland Avenue, Block 71, Lot 1. This 2.94 acre site is an old factory complex that is occupied by failing structures, debris and vehicle storage. The site abuts a residential apartment complex immediately to the south and an outdoor storage yard to the west. The Saddle River runs along the easterly property line and forms a natural boundary between the Borough of Wallington and the City of Garfield. The site is identified as a known contaminated site by the NJDEP and there is a flood plain associated with the Saddle River located along the easterly property line. Despite these features, analysis indicates that there is approximately 2.5 acres of buildable area.

It is the Borough's intention to rezone the parcel for inclusionary development for a total of 70 units of which 14 will be affordable to low and moderate income families.

The Borough has also authorized the Planning Board to conduct an investigation into whether the site qualifies as an area in need of redevelopment under the Local Housing and Redevelopment Law (LRHL) with the intention of designating the property if so qualified. If so qualified and designated by the Borough Council the attached zoning ordinance will be adopted as part of the redevelopment plan for the site.

It is the Borough's goal to create an attractive gateway into the Borough by eliminating the blight associated with the site with the additional benefit of having the property remediated as a redevelopment project that will also satisfy a portion of the Borough's affordable housing obligation.

- b. 2 & 34 Midland Avenue, Block 26.02, Lots 14 & 15. Located directly across the street from 1 Midland Avenue this is a 1.571 acre parcel that is occupied by a granite and tile company with outdoor storage secured by an 8-foot slatted fence that creates a visual block along the street. The site is also identified as a known contaminated site by the NJDEP and there is a flood plain along the westerly property line associated with the Passaic River. Despite these features, analysis indicates that there is at least 1.0 acres of buildable area.

It is the Borough's intention to rezone the parcel for inclusionary development for a total of 35 units 7 of will be affordable to low and moderate income families.

The Borough also intends to authorize the Planning Board to investigate these parcels as a potential redevelopment area to be developed similarly to 2 Midland Avenue. In conjunction with 2 Midland Avenue, the Borough is seeking to redevelop the site to create an attractive gateway into the Borough while causing the remediation of the site through promoting

inclusionary development that will also provide for a portion of the Borough's affordable housing obligation.

Figure 1- Midland Avenue Proposed Redevelopment Area



Source: Google Earth

- (3) 350 Mount Pleasant Avenue, Block 70.01, Lot 80. This a 9.67 acre site owned by the Borough of Wallington. The property has been remediated to a residential standard from its earlier condition of contamination and has been designated an area in need of redevelopment by the Borough. As a redevelopment site nearly abutting the Wood Ridge Rail Station, the site is ideally suited to inclusionary development.

It is the intention of the Borough to adopt a redevelopment plan to permit the development of 140 units of which 28 units will be designated for low and moderate income families.

Figure 2-350 Mount Pleasant Avenue



The plan components are summarized by Table 25 below.

Table 25: Plan Components For 4th Round

Site	Total Units	Affordable Units	Bonus Credits	Total Credits	Acreage	Density (du/acre)
1 Midland Avenue (BI 71/L 1)	70	14	0	14	2.94	23.8
2 Midland Avenue & 34 Midland Avenue (BI 26.02/L15 & BI 26.02/L14)	35	7	0	7	1.571	22.3
95 Midland Avenue* (BI 71/Lots 13-14)	18	4	0	4	1.139	15.8
434 Main Avenue (BI 70.01/L 4.01)	70	14	0	14	3.50	21.4
67 Paterson Avenue* (BI 28/L 13-15)	10	2	0	2	0.741	13.5
350 Mt. Pleasant Avenue – Latex site (BI 70.01/L80)	140	28	23**	51	9.67	14.5
Total	343	69	23	92		

Note: Bonus credits capped at 25% of obligation = 23 units

*Approved project.

**Bonus credit for redevelopment within ½ mile of transit

D. OTHER PROVISIONS

The following additional requirements are noted:

1. Fourth Round Bonuses. Fourth Round bonuses will be applied in accordance with N.J.A.C. 52:27d-311.k.
2. Very-Low Income and Low-Income Units. At least 50 percent of the units addressing the Fourth Round Prospective Need obligation shall be affordable to very low-income and low-income households with the remainder affordable to moderate-income households. A minimum of 13 percent of the affordable units will be made available to very low-income households, defined as households earning 30 percent or less of the regional median income by household size.
3. Rental Component. At least 25 percent of the Fourth Round Prospective Need obligation shall be met through rental units, including at least half in rental units available to families.
4. Families. At least half of the actual units created to address the Fourth Round Prospective Need obligation must be available to families.
5. Age-Restricted Cap. No more than 30 percent of all units developed or planned to meet the Fourth Round Prospective Need obligation shall be met with age-restricted units.

E. REJECTED DEVELOPMENT SITES

The Borough did receive two development proposals that were submitted too late for consideration of this plan. Therefore, no specific sites were rejected due to insufficient time for the Borough to conduct a thorough analysis of each development and its potential impacts upon the Borough.

F. OTHER PROVISIONS

The following additional requirements are noted:

1. Fourth Round Bonuses. Fourth Round bonuses will be applied in accordance with N.J.A.C. 52:27d-311.k.
2. Very-Low Income and Low-Income Units. At least 50 percent of the units addressing the Fourth Round Prospective Need obligation shall be affordable to very low-income and low-income households with the remainder affordable to moderate-income households. A minimum of 13 percent of the affordable units will be made available to very low-income households, defined as households earning 30 percent or less of the regional median income by household size.

3. Rental Component. At least 25 percent of the Fourth Round Prospective Need obligation shall be met through rental units, including at least half in rental units available to families.
4. Families. At least half of the actual units created to address the Fourth Round Prospective Need obligation must be available to families.
5. Age-Restricted Cap. No more than 30 percent of all units developed or planned to meet the Fourth Round Prospective Need obligation shall be met with age-restricted units.

G. CONSISTENCY WITH STATE PLANNING INITIATIVES

As noted in Section 1 of this plan, a HE&FSP must also include:

- ❖ An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission; and
- ❖ An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

Accordingly, the following subsection analyzes the consistency of this HE&FSP to the above referenced state planning initiatives.

1. Multigenerational Family Housing Continuity Commission

The Multigenerational Family Housing Continuity Commission was established by the State of New Jersey in 2021. As noted in N.J.S.A. 52:27D-329.20, one of the primary duties of the Commission is to “prepare and adopt recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas.”

As of the date of this HE&FSP, the Multigenerational Family Housing Continuity Commission has not yet adopted any recommendations.

2. State Development and Redevelopment Plan

As established by N.J.S.A. 52:18A-200(f), the purpose of the State Development and Redevelopment Plan (SDRP) is to “coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.”

As such, the SDRP establishes a number of goals and strategies related to a number of different topics, including the development of affordable housing, the redevelopment of existing properties to avoid sprawl, and promoting smart growth principles.

As indicated by the SDRP’s Policy Map, the entirety of Wallington Borough is located in the PA-1, Metropolitan Planning Area which encompasses cities and their surrounding areas where development and redevelopment is to be directed.

Accordingly, this HE&FSP is consistent with the intents of the PA-1 designation. Specifically, it is designed to encourage redevelopment and growth in addressing its affordable housing obligation by repurposing existing developed sites while revitalizing an area of the Borough to be a more active place for residents to enjoy.

Appendices

Council Resolution Certifying Fourth Round Obligation

**BOROUGH OF WALLINGTON
COUNTY OF BERGEN
STATE OF NEW JERSEY**

RESOLUTION NO. 2025-080

**RESOLUTION COMMITTING WALLINGTON TO
DEPARTMENT OF COMMUNITY AFFAIRS' FOURTH
ROUND AFFORDABLE HOUSING PRESENT NEED AND
PROSPECTIVE NEED NUMBERS**

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) (hereinafter "Amended FHA"); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to produce non-binding estimates of each municipality's fair share obligations on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Borough of Wallington's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 81 units and a Prospective Need or New Construction Obligation of 92 units; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support lower calculations of Round 4 affordable housing obligations; and

WHEREAS, the Amended FHA further provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions" (N.J.S.A. 52:27D-311(m)); and

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, based on the foregoing, the Borough of Wallington has determined to accept the DCA calculations of the Borough of Wallington's fair share obligations and commits to its fair share of 81 units present need and 92 units prospective need subject to any vacant land and/or durational adjustments it may seek as part of the Housing Element and Fair Share Plan the Borough subsequently submits in accordance with the Amended FHA; and

WHEREAS, the Borough of Wallington reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

**BOROUGH OF WALLINGTON
COUNTY OF BERGEN
STATE OF NEW JERSEY**

WHEREAS, the Borough of Wallington also reserves the right to adjust its position in the event of any rulings in the *Montvale* case (MER-L-1778-24) or any other such action that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Borough of Wallington reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Present or Prospective Need Obligations should be lower than described herein; and

WHEREAS, in light of the above, the Mayor and Council of the Borough of Wallington finds that it is in the best interest of the Borough of Wallington to declare its commitment to the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

WHEREAS, in addition to the above, the Acting Administrative Director of the Courts issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the FHA shall file an action in the form of a declaratory judgment complaint . . . in the county in which the municipality is located . . . within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner”; and


WHEREAS, the Borough of Wallington seeks a certification of compliance with the FHA and, therefore, directs its Attorney to file a Declaratory Judgment action within 48 hours of the adoption of this resolution in the Superior Court, Bergen County.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Wallington as follows:

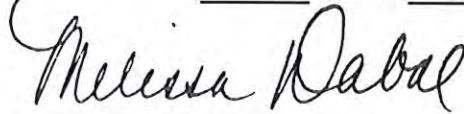
1. All of the above recitals (“Whereas” clauses) are incorporated into the operative clauses of this Resolution.
2. The Borough of Wallington hereby commits to the DCA Round 4 Present Need Obligation of 81 units and the Round 4 Prospective Need Obligation of 92 units described in this Resolution, subject to all reservations of rights set forth above.
3. The Borough of Wallington hereby directs its Attorney to file a Declaratory Judgment Complaint in Bergen County within 48 hours after adoption of this resolution, attaching this resolution.
4. The Borough of Wallington authorizes its Attorney to attach this Resolution as an exhibit to the Declaratory Judgment action that is filed and to submit and/or file this Resolution with the Program or any other such entity as may be determined to be appropriate.

**BOROUGH OF WALLINGTON
COUNTY OF BERGEN
STATE OF NEW JERSEY**

5. This Resolution shall take effect immediately.

MEMBER	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT	<p>CERTIFIED AS A TRUE COPY OF A RESOLUTION ADOPTED BY THE BOROUGH WALLINGTON AT A MEETING DATE BELOW</p> <p></p> <p>FRANK BELLI MUNICIPAL CLERK, ACTING</p>
RACHELSKI			X				
MARCINIAK	X		X				
PREINFALK		X	X				
IVANICKI							
BALIK			X				
GRAHAM			X				

ADOPTED THIS 30TH DAY OF JANUARY, 2025



MELISSA DABAL, MAYOR

Planning Board Resolution Adopting 2025 Housing Element and Fair Share Plan With Spending Plan

WALLINGTON PLANNING BOARD

**RESOLUTION ADOPTING THE HOUSING ELEMENT
AND FAIR SHARE PLAN FOR THE BOROUGH**

June 30, 2025

WHEREAS, the Fair Housing Act (the "Act") provides that municipalities which desire to take advantage of the terms of the Act must adopt a Housing Element and Fair Share Plan and file that document with the DCA on or before June 30, 2025; and

WHEREAS, the requisite Housing Element and Fair Share Plan is a mandatory part of the Borough's Master Plan;

WHEREAS, the Planning Board has the statutory duty to prepare, re-examine and amend the Wallington Master Plan pursuant to the Municipal Land Use Law, specifically N.J.S.A. 40:55D-89 and in furtherance thereof retained the services of Burgis Associates ("Burgis") to assist in the preparation of the proposed Housing Element and Fair Share Plan; and

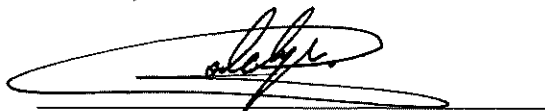
WHEREAS, Burgis presented a draft Housing Element and Fair Share Plan dated June 30, 2025 containing the elements required by the Municipal Land Use Law and the Fair Housing Act, a copy of which HEFSP is attached as Exhibit A, (the "HEFSP") ; and

WHEREAS, the Planning Board reviewed the proposed HEFSP, held a public hearing on the proposed Housing Element and Fair Share Plan on June 30, 2025 after public notice as required by Municipal Land Use Law, considered any comments from the public hearing and utilized its own knowledge and experience in dealing with planning related issues within the Borough of Wallington.

NOW THEREFORE BE IT RESOLVED that:

1. The Planning Board determines that the HEFSP satisfies the relevant statutory requirements and adopts the HEFSP as proposed.
2. A copy of this resolution and attached HEFSP shall be filed with the DCA and forwarded to the NJ Office of State Planning, the Wallington Mayor and Council, the Bergen County Planning Board, and to the Boroughs of East Rutherford, Wood-Ridge, Carlstadt, the Township of South Hackensack, the City of Garfield and the City of Passaic.

The Foregoing is a true copy of the resolution
adopted by the Wallington Planning Board on
June 30, 2025.



Marta Goldyn, Clerk
Date Signed: June 30, 2025

Spending Plan

May 1, 2025
Borough of Wallington
Affordable Housing Trust Fund Spending Plan

INTRODUCTION

The Borough of Wallington (hereinafter the "Borough"), Bergen County, has prepared a Housing Element and Fair Share Plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (FHA) (N.J.S.A. 52:27D-301) and the regulations contained in (N.J.A.C. 5:91-1 et seq. and N.J.A.C. 5:93-1 et seq.). The Borough of Wallington Affordable Housing Trust Fund was opened on July 1, 2019.

As of May 1, 2025, the Borough of Wallington has a balance of \$293,672 in its Affordable Housing Trust fund. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund account for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:93-8.16 as described in the sections that follow.

1. REVENUES FOR CERTIFICATION PERIOD

It is anticipated that between now and June 30, 2035, which is the end of the Fourth Round period, the Borough will add an additional \$542,391 to its Affordable Housing Trust Fund. This revenue is projected to consist of \$529,162 in anticipated development fee revenues and \$13,229 in anticipated interest, as shown in the table below.

	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
(a) Development fees	\$29,162*	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$529,162
(b) Payments in Lieu of Construction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
(c) Other Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
(d) Interest	\$729*	\$1,250	\$1,250	\$1,250	\$1,250	\$1,250	\$1,250	\$1,250	\$1,250	\$1,250	\$1,250	\$13,229
Total	\$29,891	\$51,250	\$51,250	\$51,250	\$51,250	\$51,250	\$51,250	\$51,250	\$51,250	\$51,250	\$51,250	\$542,391

*Projected additional revenue added to balance for period between May 1, 2025 to December 31, 2025

In sum, the Borough of Wallington projects a total of \$542,391 in revenue to be collected between June 30, 2025 and June 30, 2035. This projected amount, when added to Wallington's current trust fund balance of \$293,672 results in a total anticipated trust fund balance of \$836,063 available to fund and administer the Borough's affordable housing plan. All interest earned on the account shall be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by the Borough:

- (a) Collection of development fee revenues: Collection of development fee revenues shall be consistent with Wallington's development fee ordinance for both residential and non-residential developments in accordance with applicable regulations pursuant to P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.8), and as may be amended.
- (b) Distribution of development fee revenues: The Planning Board adopts and forwards a resolution to the governing body recommending the expenditure of development fee revenues as set forth in this spending plan. The governing body reviews the request for consistency with the spending plan and adopts the recommendation by resolution. The release of funds requires adoption of the governing body resolution in accordance with the spending plan. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

- (a) Rehabilitation. The Borough has a rehabilitation obligation of 81 units based upon the DCA calculation. In order to address its rehabilitation obligation, the Borough will continue to participate in the Bergen County Housing Rehabilitation Program and will utilize funds from the Borough's affordable housing trust fund to help fund this program. The Borough will commit \$10,000 per unit, which will require a total contribution of \$810,000.

Affordable Housing regulations require municipalities to set aside sufficient funds to address one-third of their rehabilitation obligation within one year of approval of their plan. In addition, municipalities are required to set aside sufficient funds to address one-sixth of their rehabilitation obligation each subsequent year of the substantive certification period. As such, the Borough will set aside \$270,000 for to rehabilitate in the first year following the granting of a certificate of compliance from the Program, and an additional \$60,000 each year thereafter, until the rehabilitation share is addressed.

Actual development fees + interest through 4/17/25		\$293,672
Development fees + interest projected 6/30/25-6/30/2035	+	\$542,391
Less rehabilitation expenditures through 5/2/2025	-	\$0
Less rehabilitation expenditures projected 6/30/2025-6/30/35	-	\$810,000
Total	=	\$26,063

- (b) Administrative Expenses. Per N.J.A.C. 5:93-8.16(e), no more than 20% of the revenues collected from development fees shall be expended on administration. The Borough of Wallington projects that a maximum of \$16,200 will be available from the affordable housing trust fund to be used for administrative purposes from June 30, 2025 through June 30, 2035. Projected administrative expenditures, subject to the 20% cap, include the salaries and benefits for municipal employees and consultant fees necessary to develop or implement the following:

1. An updated Housing Element and Fair Share Plan.
2. A rehabilitation program.
3. An affirmative marketing program.
4. An affordability assistance program.
5. Other affordable housing activities that do not involve litigation.

Actual development fees + interest through 5/2/2025		\$ 293,672
Development fees + interest projected 6/10/2025-6/30/35	+	\$ 542,391
Total	=	\$ 836,063
20 percent requirement	x 0.20 =	\$167,212
Less administrative expenditures through 6/30/2025	-	\$0
PROJECTED MAXIMUM Administrative Expenses Requirement 2025-2025	=	\$ 167,212

4. EXPENDITURE SCHEDULE

The Borough of Wallington intends to use affordable housing trust fund revenues for rehabilitation activities, affordability assistance, and administration. Where applicable, the funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

PROJECTS/PROGRAMS			
	6/30/2025-6/30/2026	6/30 2027-6/30/2035	Total
Rehabilitation	\$270,000	\$60,000/year	\$810,000
Administration	\$2,609	\$2,606/year	\$ 26,063
Total	\$99,263	\$81,263	\$836,063

5. EXCESS OR SHORTFALL OF FUNDS

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be dedicated toward its rehabilitation program and/or for its affordability assistance program and/or for administrative expenses up to the 20% cap.

In the event that a shortfall of anticipated revenues occurs, the Borough of Wallington will handle the shortfall of funds through an alternative funding source to be identified by the Borough or by adopting a resolution with an intent to bond, or the Borough will amend its spending plan to reduce the amount of funds available for the affordability assistance program and administrative expenses.

SUMMARY

The Borough of Wallington intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:93-8.16 and consistent with the housing programs outlined in the Borough's Housing Element and Fair Share Plan.

The Borough of Wallington has a balance of \$ 293,672 as May 1, 2025 and anticipates an additional \$542,391 in revenues through June 30, 2035 for a total of \$896,063. During the period of the Borough's Fourth Round period through June 30, 2035, the Borough will agree to fund \$81,000 towards a rehabilitation program and a projected balance for administrative costs that will not exceed a maximum of \$167,212 towards administrative costs should additional funds become available.

Any shortfall of anticipated funds will be offset by an alternative funding source to be identified by the Borough or, in the unlikely event that no alternative funding is available, the Borough of Wallington will bond to provide the necessary funding. The Borough also reserves the right to amend its spending plan to reduce the amount of funds available for the affordability assistance program and administrative expenses if a shortfall of anticipated revenues occurs.

SPENDING PLAN SUMMARY	
Balance as of May 1, 2025	\$ 293,672
PROJECTED REVENUE 7/1/2025-6/30/25	
Development fees	+ \$529,162
Payments in lieu of construction	+ \$0
Other funds	+ \$0
Interest	+ \$13,229
SUBTOTAL REVENUE	= \$ 542,391
TOTAL REVENUE	= \$ 836,063
EXPENDITURES	
Rehabilitation Program	- \$810,000
Administration	- \$ 26,063
TOTAL PROJECTED EXPENDITURES	= \$ 836,063
REMAINING BALANCE RESERVED FOR ADDITIONAL AFFORDABLE HOUSING ACTIVITY	= \$ 0

Resolution of Approval: 95 Midland Avenue

RESOLUTION 2023-08

ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF WALLINGTON

WHEREAS, ZENON KOPEC, has applied to the Zoning Board of the Borough of Wallington for site plan approval plus a use variance, and bulk variances, for the property located at 95-99 Midland Ave., also known as Block 71, Lots 13 & 14, on the tax map of the Borough of Wallington, and

WHEREAS the applicant seeks approval for construction of 18 housing units on the subject property, which sits in a B business zone, and

WHEREAS, the Board after carefully considering the evidence presented by the applicant has made the following factual findings:

1. Public notice and notice to adjoining property owners was given by the Applicant pursuant to the Municipal Land Use Law and Borough Ordinances created thereunder.
2. The applicant has met all procedural requirements of the Municipal Use Act and the Borough Ordinances established thereunder. The applicant is represented by Henry Walentowicz, Esq.
3. The applicant previously had brought a somewhat similar application to the Board in 2022, which was for a larger, more expansive project, consisting of 23 townhouse style homes, split amongst three buildings. The applicant presented testimony at that time from Steven Koestner, an engineer and land surveyor, Matthew Seckler, a traffic engineer, Carolyn Worstell, a professional planner, and Zenon Kopec, the applicant.

4. The site is currently zoned as a B Business Zone. The site is located at the intersection of Midland Ave. and Main Ave. in Wallington. There are residential properties to the north, an office/medical building to the south. A Polish restaurant is located across the street. Apartments are located to the rear of the property.

5. The current configuration has one residence located on site, toward the front of the property, and a business located to the rear. Those existing structures would be removed. The new plan proposed by the applicant would have two separate buildings to be constructed, with the total number of units being reduced to 18 to allow for larger common areas and roadway. Each unit would have a 20 foot driveway, and a garage which would permit two tandem parking spots within the garage. Trench drains would be constructed to deal with water run off on site. All garbage removal and snow plowing/lawn maintenance would be privately contracted, with garbage removal taking place twice per week. A ten foot by ten foot garbage refuse area would be maintained on site.

6. Mr. Kopec testified that he has scaled down his plans, and changed some important aspects based upon concerns of the Board. He understands that County approval is needed because of the location of the property along Midland Ave. The two existing lots will merge into one lot. All utilities will be placed underground. All of the units and buildings will have a sprinkler system for safety and fire concerns. A fire hydrant will be installed on the development to assist in fire fighting activities.

7. The applicant understands that an electric vehicle charging station must be constructed at the site to comply with newly passed laws encouraging the

conversion to electric vehicles. This will be coordinated and require prior approval from Neglia Engineering.

8. The applicant understands that he will be required to dedicate the required, proportional share of units to satisfy Wallington's Low Income housing requirement, with the determination of such to be made and coordinated with Borough of Wallington.

WHEREAS, the Wallington Zoning Board of Adjustment made the following findings of fact:

A. The applicant has made consequential and meaningful alterations to the proposed development plan, which meets with the approval of the Board. The applicant has provided additional space at the site for traffic flow, storage of snow accumulations, and allowing access for emergency vehicles.

B. The area sought to be developed for residential purposes is consistent with many residential uses in the area, and will not harm the spirit and intent of the Zoning Code.

C. The Board finds that the applicant has met all of the requirements of the Wallington Zoning and Planning standards, and has met the high standard required to approve a change of use variance for the property. The Board finds that the applicant has established that the granting of the application would not negatively impact the area, and that any positive impact would outweigh the negative. The Board finds that the granting of the variances does not impair the spirit or intent of the Zoning Code and that the applicant has satisfied the requirements for the granting of the variances requested.

NOW, THEREFORE, the Board of Adjustment grants the relief requested by the applicant.

This is a memorializing resolution of the official vote and/or action taken by the Board on July 25, 2023. Such action was taken in accordance with NJSA 40:55D-10(g)(2). The official vote at such time was as follows;

THOSE IN FAVOR: Surdyka, Rebecky, Furtak, Aiello, Ivanicki, Chirlo

THOSE OPPOSED: None

THOSE RECUSED: None

THOSE ABSTAINING: None

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Borough of Wallington on the 29th day of August 2023, that this Resolution memorializing the granting of the application of Zenon Kopec be and is hereby approved.

ROLL CALL VOTE

THOSE IN FAVOR: Furtak, Surdyka, Rebecky, Aiello, Donaldson, Chirlo

THOSE OPPOSED:

THOSE RECUSED:

THOSE ABSTAINING:

NOTICE OF DECISION OF THE ZONING BOARD OF ADJUSTMENT

TO WHOM IT MAY CONCERN:

PUBLIC NOTICE is hereby given to all persons that a Public Hearing was held on July 25, 2023, at which hearing an application by Zenon Kopec for the property located at 95-99 Midland Ave, also known as Block 7, Lot 13 & 14, to permit the construction of 18 housing units on the premises.

Said application was granted, and which decision is on file and available for inspection in the Municipal Building, Borough of Wallington, New Jersey.

James Furtak

Secretary to the Board

Dated: 08/29/2023

Resolution of Approval: 67 Paterson Avenue



**BOROUGH OF WALLINGTON
ZONING BOARD OF ADJUSTMENT**
County of Bergen
State of New Jersey

Resolution No. 2024-03

Date: Tuesday, April 30, 2024

WHEREAS, 67 PATERSON AVENUE. REALTY, LLC has applied to the Zoning Board of the Borough of Wallington for a use variance along with a bulk variance, and for subdivision approval for the property located at 67 Paterson Avenue, Block 28, Lots 13, 14 and 15 on the tax map of the Borough of Wallington; and

WHEREAS, the Zoning Board of Adjustment of the Borough of Wallington approved a prior application for this property at its meeting of August 30, 2022, granting the applicant the right to construct ten (10) townhomes, which was memorialized in a Resolution; and

WHEREAS, after that approval, the Borough of Wallington required that the applicant set aside two (2) units to be restricted to eligible persons qualifying under the NJ Affordability Rules promulgated by the Council on Affordable Housing; and

WHEREAS, the Board did not impose this as a condition as part of its prior approval and the applicant is requesting a ratification of the approval of 10 townhomes previously granted by the Board with two units being designated as affordable units, while permitting the applicant to keep an existing residential home on the said property and granting a subdivision to segregate that home from the townhomes; and

WHEREAS, the Board after carefully considering the evidence presented by the applicant has made the following factual findings:

1. Public notice and notice to adjoining property owners was given by the Applicant pursuant to the Municipal Land Use Law and Borough Ordinances created thereunder.
2. The Applicant has met all procedural requirements of the Municipal Use Act and the Borough Ordinances established thereunder.
3. Thomas G. Stearns, III, of GB Engineering testified on behalf of the application. He testified as to his credentials including that he is both a professional engineer and surveyor in the State of New Jersey. He was accepted by the Board as an expert witness. He testified that the subject property consists of an area of approximately 32,288,00 square feet or 0.741 acres. The property is presently developed with a 2 ½ story frame dwelling and a vacant lot.



**BOROUGH OF WALLINGTON
ZONING BOARD OF ADJUSTMENT**
County of Bergen
State of New Jersey

Resolution No. 2024-03

Date: Tuesday, April 30, 2024

The Applicant proposes to construct 10 town homes. The Applicant proposes to install porous parking pavement, make drainage improvements, landscaping and lighting improvements.

The property is located within the Light Industrial (LI) Zone. The proposed residential use is not a permitted principal in the subject zone.

4. Mr. Steams testified as to the new parking configuration for both the parcel which would contain the 10 townhomes and the parcel upon which the residential dwelling will remain. In his opinion, the applicant has provided more than enough off-street parking. In response to the Board's question, he pointed out the areas where the applicant could store plowed snow after a snow storm.

In response to a question from Neglia Engineering, he confirmed that the proposed subdivision will improve the setbacks on the parcel upon which the existing residential dwelling will remain. The applicant will comply with the installation of electric vehicle parking/charging spaces, on the time schedule permitted by law. The applicant will comply with the street scape requirements as directed by Neglia Engineering.

5. William Stimmel, testified on behalf of the applicant. Mr. Stimmel gave his credentials as a professional engineer and professional planner. Mr. Stimmel was accepted as an expert witness by the Board.

He testified that keeping the existing residential home does not change his opinion that the applicant has met the statutory criteria for the granting of a use variance.

He testified that the property in the Light Industrial Zone. Permitted uses in the LI Zone include various assembly, packaging, manufacturing, and storage uses as well as bakeries and restaurants. The proposed townhouses are not permitted in the LI Zone. Therefore, a D(1) variance is required.

He also testified that multifamily residential development is only permitted in the R3 Zone which appears to be limited to existing garden developments.



**BOROUGH OF WALLINGTON
ZONING BOARD OF ADJUSTMENT**
County of Bergen
State of New Jersey

Resolution No. 2024-03

Date: Tuesday, April 30, 2024

Mr. Stimmel testified that the proposed development is suitable for the site for numerous reasons. It is a relatively large parcel, approximately 32,288 square feet. The property is underdeveloped in comparison to the adjoining land uses. The property was previously developed with residential uses. It abuts a residential zone to the north and to the south. A commercial zone or industrial zone has higher intensity uses. It is located along an arterial roadway.

Mr. Stimmel also testified that there are special reasons justifying the granting of a variance. He testified that it encourages the appropriate use or development of land. It promotes the public health, safety, morals, and general welfare. It provides new housing stock for Wallington. It satisfies both Municipal and State planning goals. It utilizes a site which has been undeveloped for a long period of time. It is also a special reason supporting the approval of the application that 2 units will be set aside to meet the borough's low-income housing obligations.

Mr. Stimmel also testified that the application meets the negative criteria of the Statute. There will be no substantial detriment to the public good. The use is not inconsistent with the intent and purpose of the master plan and the zoning ordinance. It also provides an appropriate location for the construction of multifamily dwellings.

WHEREAS, the Wallington Zoning Board of Adjustment makes the following findings:

The Board has determined that the Applicant requires a use variance pursuant to N.J.S.A. 40:55D-70(d) and a bulk variance pursuant to N.J.S.A. 40:55D-70(c); and

6. The application furthers the purposes of N.J.S.A. 40:55D-2a which provides that it is the intent of the act to encourage municipal action to guide the appropriate use or development of all lands in this State in a manner which will promote the public health, safety, morals, and general welfare. There is an improvement in the visual aspect of the property for the adjacent residences.



**BOROUGH OF WALLINGTON
ZONING BOARD OF ADJUSTMENT**
County of Bergen
State of New Jersey

Resolution No. 2024-03

Date: Tuesday, April 30, 2024

7. The application furthers the purpose of subsection "G" which provides that it is the intent of the act "to provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens".
8. The application furthers the subsection of "I which provides that is the intent "to provide a desirable visual environment through creative development techniques and good civic design and arrangement".
9. The Board accepts the testimony of the applicant's planner that the use is particularly suited for the proposed use. The site is next to an arterial roadway and has good access to mass transit.
10. The Board finds that adding to the housing stock with dwellings specifically designed to minimize or eliminate damage to the dwelling during flooding provides a special reason to grant the application.
11. The Board finds that adding to the new housing stock with modern, well designed dwellings together with a two unit set aside which shall be restricted to eligible persons qualifying under the NJ Affordability Rules provides a special reason to grant the application.

The Positive Criteria.

12. The Board finds that the applicant proved the statutory requirements which justify granting this application.
13. The Board also finds that an improvement in aesthetics and a residential use is a better use of the property when compared with any permitted industrial uses. Therefore, it furthers the public good and satisfies the positive criteria. The board finds that the town homes with more than adequate parking is a less intensive use than the permitted industrial uses and the traffic that those uses may generate.
14. The Board finds that the purposes of the Municipal Land Use Law would be advanced from a deviation of the zoning ordinance requirements and the benefits of the application outweigh any detriment to the public good.



**BOROUGH OF WALLINGTON
ZONING BOARD OF ADJUSTMENT**
County of Bergen
State of New Jersey

Resolution No. 2024-03

Date: Tuesday, April 30, 2024

15. The Board finds that the application furthers the purposes of zoning by improving the property with residential uses which is keeping with the residential uses in the surrounding area.

The Negative Criteria.

16. The Board finds that the Applicant also satisfies the negative criteria. The negative criteria establishes that the variance can be granted without substantial detriment to the public good; that the benefits of the deviation would outweigh any detriment and that it will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
17. The board also finds that there was nothing in the testimony which would indicate that the proposed buildings will interfere with the light, air, or space of any contiguous property.



**BOROUGH OF WALLINGTON
ZONING BOARD OF ADJUSTMENT**
County of Bergen
State of New Jersey

Resolution No. 2024-03

Date: Tuesday, April 30, 2024

BE IT FURTHER RESOLVED by the Zoning Board of the Borough of Wallington that the application for permission to construct ten (10) town homes which requires a use variance, bulk variances, and a subdivision as set forth in the application materials and plans submitted to the Board is hereby approved subject to the following conditions of approval:

- A. Approvals of all other government agencies and utilities having jurisdiction over any aspect of the construction.
- B. Satisfaction by Applicant of the representations and commitments made in the submissions testimony and in the record submitted by Applicant before the Board, if any.
- C. The Board hereby ratifies the approval granted by it on August 30, 2022 and in the Resolution subsequently adopted by it. The Board hereby incorporates, by reference all of the findings of fact and conditions set forth in that prior approval, except for those conditions changed or superseded by the adoption of the within Resolution.
- D. Deposit of the appropriate amounts into escrow and payment of requisite application fees pursuant to ordinance and the Developer's Agreement.
- E. The Applicant shall comply with the requirements of structural, fire and sanitary safety as provided for in the current edition of the New Jersey Uniform Construction Code.
- F. The Applicant will pay any developmental fees which may be required under the Ordinances of the Borough of Wallington.
- G. All approvals hereunder are subject to the Applicant receiving approval from the Bergen County Planning Board, if it has jurisdiction.
- H. The Applicant shall comply with all of the requirements of Neglia Engineering set forth in its review letters and any future requirements.
- I. The Applicant shall comply with all Local, State and Federal rules, regulations, ordinances and laws which apply to the development approved even if not specifically enumerated in this resolution.



**BOROUGH OF WALLINGTON
ZONING BOARD OF ADJUSTMENT**
County of Bergen
State of New Jersey

Resolution No. 2024-03

Date: Tuesday, April 30, 2024

"

- J. The applicant must post a maintenance guarantee with the Borough of Wallington not to exceed two years after final acceptance of the improvements, in an amount not to exceed 15% of the cost of the improvements. As a condition precedent to the commencement of any work, the applicant shall furnish such written guarantees in the form of a Bond or Letter of Credit as required by the Board in the amounts specified by the Board Engineer, which shall be equal to one hundred twenty (120%) percent of the construction costs estimates, as prepared by Board Engineer.
- K. The applicant shall comply with the Residential Site Improvement Standards in the construction of the new building.
- L. The applicant shall comply with the requirements of Bergen County Soil Conservation.
- M. The Board advised the applicant that the sewerage line presently servicing the property flows into the system operated by the Borough of East Rutherford. The applicant shall investigate the sewerage flow with Neglia Engineering and shall at its cost and expense install sewerage lines that connect the property to the Wallington system.
- O. The applicant shall comply with the New Townhouse Fire Safety Act signed by Governor Murphy on January 16, 2024, designated as S-281. Any sprinkler system installed can be the "quick response" type.
- P. The applicant's request to build 10 townhomes together with a subdivision to permit the existing residential dwelling to remain be and is hereby approved. The 10 townhomes shall consist of 8 market rate units and shall consist of two affordable units. These units shall be restricted to eligible persons qualifying under the NJ Affordability Rules. The applicant shall meet all of the requirements of the Borough ordinance so that the two units will result in the units being recognized by the State of NJ as meeting the Borough's Affordable Housing obligation (the "NJ Affordability Rules") currently required by the Council on Affordable Housing or any successor agency.
- Q. The applicant shall have all work relating to the construction installation of the townhomes approved by this Board under the supervision of the Borough



**BOROUGH OF WALLINGTON
ZONING BOARD OF ADJUSTMENT**
County of Bergen
State of New Jersey

Resolution No. 2024-03

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Engineer and under the inspection of the appropriate construction or sub-code officials of the Borough. The Developer agrees to pay into an escrow account the amount of Seven Thousand Dollars (\$7,500.00) to be maintained and administered by the Borough of Wallington and transmitted to the Wallington Zoning Board. This escrow shall be utilized to pay all reasonable and all professional review fees and engineering fees, and includes the \$1,500.00 fee for the review and approval by the zoning board attorney of the proposed subdivision Deeds, maintenance and performance bonds to be furnished by the applicant/developer; and to review any other documents that are necessary for the applicant/developer to continue with the construction of the 10 townhomes approved by the Board and memorialized in this Resolution.

- R. The applicant at its sole cost and expense shall install streetscape lighting at the location and of the type to be directed by Neglia Engineering.
- S. The applicant shall be responsible to perfect the approved subdivision by recording subdivision deeds or a site plan with the Bergen County Clerk in a form to be approved by the zoning board attorney.

This is a memorializing resolution of the official vote and/or action taken by the Board on March 26, 2024. Such action was taken in accordance with NJSA 40:55D-10(g) (2). The official vote at such time was as follows;

THOSE IN FAVOR: Aiello, Donaldson, Ivanicki, Chirlo, Surdyka, Rebecky

THOSE OPPOSED: Furtak

THOSE RECUSED:

THOSE ABSTAINING:

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Borough of Wallington on the 30th day of April, 2024 that this Resolution



**BOROUGH OF WALLINGTON
ZONING BOARD OF ADJUSTMENT**

County of Bergen
State of New Jersey

Resolution No. 2024-03

Date: Tuesday, April 30, 2024

memorializing the granting of the application of 67 Paterson Avenue, LLC be and is hereby granted.

ROLL CALL VOTE

THOSE IN FAVOR: Furtak, Surdyka, Rebecky, Ivanicki, Aiello, Chirlo

THOSE OPPOSED: None

THOSE RECUSED: None

THOSE ABSTAINING: None

Resolution Designating 350 Mount Pleasant Avenue (Latex) As An Area In Need Of Redevelopment with Draft Redevelopment Plan

BOROUGH OF WALLINGTON
COUNTY OF BERGEN
RESOLUTION NO. 2023-075

**A RESOLUTION DESIGNATING BLOCK 70.01 LOTS 1.01, 1.02 2, 4.02, 4.03, 4.04 and 80 AS
AN AREA IN NEED OF REDEVELOPMENT.**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land located therein constitutes an area in need of redevelopment; and

WHEREAS, on March 24, 2022, the Mayor and Council adopted Resolution 2022-100 directing the Planning Board to undertake an investigation to: determine whether all or a portion of certain property identified on the tax map of the Borough as Block 70, Lots 1,01, 404 and 80 constitute a non-condemnation area in need of redevelopment (the "Study Area") pursuant to the Redevelopment Law; and

WHEREAS, the Mayor and Council amended and supplemented Resolution 2022-100 to include Block 70.01, Lots 2 and 80, 1.01, 1.02, 4.02, 4.03 and 4.04 in the Study Area (the "Expanded Study Area")

WHEREAS, the Planning Board caused Burgis Associates, Inc. (the "Planning Consultant") to conduct an investigation to determine whether the Expanded Study Area should be designated a non-condemnation area in need of redevelopment; and

WHEREAS, the Planning Board received a report setting forth the basis for the investigation and a map depicting the Expanded Study Area prepared by the Planning Consultant, (the "Report"); and

WHEREAS, the Redevelopment Law requires the Planning Board to conduct a public hearing prior to making its recommendation to the Mayor and Council, as to whether the Study Area should be designated as non-condemnation area in need of redevelopment, at which hearing the Planning Board shall hear all persons who are interested in or would be affected by the determination that the Expanded Study Area is an area in need of redevelopment; and

WHEREAS, the Planning Board held a duly noticed public meeting at which time the Planning Board reviewed the Report, heard testimony from representatives of the Planning Consultant, conducted a public hearing during which time all persons who were interested in or would be affected by a determination regarding the Expanded Study Area had the opportunity to be heard; and

WHEREAS, the Planning Consultant concluded in the Report and testified to the Planning Board on October 18, 2022 that the Expanded Study Area satisfies the criteria for a redevelopment area designation as set forth in the Redevelopment Law pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, after the conclusion of the public hearing described above, the Planning Board adopted a resolution accepting and adopting the recommendation contained in the Report and recommending that the Expanded Study Area be declared a non-condemnation area in need of

BOROUGH OF WALLINGTON
COUNTY OF BERGEN
RESOLUTION NO. 2023-075

redevelopment, in accordance with the Redevelopment Law, for the reasons set forth in the Report; and

WHEREAS, on October 18, 2022, the Planning Board adopted a resolution memorializing its recommendation that the Expanded Study Area be designated as a “non-condemnation area in need of redevelopment pursuant to the Redevelopment Law; and


WHEREAS, the Mayor and Council agrees with the conclusion of the Planning Board that the Expanded Study Area satisfies the criteria for redevelopment area designation set forth in the Redevelopment Law and finds that such conclusion is supported by substantial evidence; and

WHEREAS, the Mayor and Council now desire to declare the Expanded Study Area as a non-condemnation area in need of redevelopment, pursuant to N.J.S.A.40A:12A-6.

NOW THEREFORE, be it resolved by the Mayor and Council of the Borough of Wallington as follows:

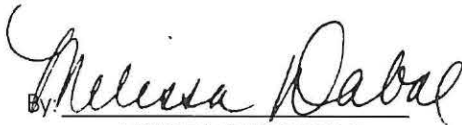
1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. Based on the Report and the recommendation of the Planning Board, the Expanded Study Area satisfies the criterion for redevelopment area designation as set forth in the Redevelopment Law. Accordingly, the Expanded Study Area is hereby designated as a non-condemnation area in need of redevelopment.
3. The Expanded Study Area is further hereby designated as a Non-Condensation Redevelopment Area” as referenced in the Redevelopment Law.
4. The Mayor and Council direct the Borough Clerk to transmit a certified copy of this resolution forthwith to the Commissioner of the Department of Community Affairs for review.
5. This resolution shall take effect upon adoption in accordance with applicable law.

BOROUGH OF WALLINGTON
COUNTY OF BERGEN
RESOLUTION NO. 2023-075

MEMBER	MOTION	SECOND	AYE	NAY	ABSTAIN	CERTIFIED AS A TRUE COPY OF A RESOLUTION ADOPTED BY THE BOROUGH WALLINGTON AT A BELOW DATE MEETING.  ACE ANTONIO ACTING BOROUGH CLERK
RACHELSKI			X			
IVANICKI		X	X			
PREINFALK			X			
ANDROWIS	X		X			
BALIK			X			
SADECKI			X			

APPROVED: JANUARY 19TH 2023

BOROUGH OF WALLINGTON

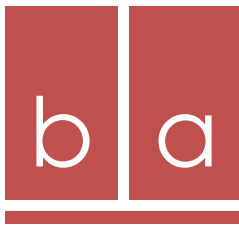

 By: Melissa Dabal
 MAYOR MELISSA DABAL

DRAFT ONLY

Redevelopment Plan for: 350 Mount
Pleasant Avenue; Block 70.01, Lot 80

Borough of Wallington, Bergen County, New Jersey

June 20, 2025



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

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PRINCIPALS:

Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak, PP, AICP

DRAFT

Redevelopment Plan: 350 Main Avenue; Block 70.01, Lot 80

Borough of Wallington
Bergen County, New Jersey

Prepared for Borough of Wallington
BA # 4026.02

The original document was appropriately signed and sealed on June 20, 2025, in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

John P. Szabo, Jr., PP, AICP
Professional Planner #3445



COMMUNITY PLANNING
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MAYOR AND COUNCIL

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Beata Balik, Council President
Eugeniusz Rachelski
Susanne Preinfalk
Beata Balik
Dennis Graham
Justyna Marciniak
Sylvia H. Hejzner

BOROUGH ATTORNEY

Mark Dipisa, Esq
Dipisa & Lago

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PLANNING BOARD SECRETARY

Marta Goldyn

PLANNING BOARD ENGINEER & Planner

David Juzmeski, PE
Neglia Engineering

SPECIAL AFFORDABLE HOUSING COUNSEL

Robert F. Simon, Esq.
Herold Law

BOROUGH PLANNING CONSULTANT

John P. Szabo, Jr., PP, AICP
Burgis Associates



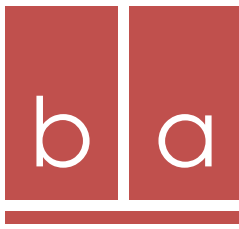
COMMUNITY PLANNING
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B U R G I S
A S S O C I A T E S , I N C .

INTRODUCTION

This document presents the redevelopment plan for a borough owned parcel of land located at 350 Mount Pleasant Avenue within the Borough of Wallington, Bergen County, New Jersey further identified as Block 70.01 by Borough tax assessment records.

On March 24, 2022, the Mayor and Council of the Borough of Wallington authorized the Borough Planning Board to conduct a preliminary investigation to determine if property located at 350 Mount Pleasant Avenue constitute an "Area in Need of Redevelopment" under the New Jersey Local Redevelopment and Housing Law (LRHL).

The authorizing resolution directed that, if the Study Area or a portion thereof is determined to be an Area in Need of Redevelopment pursuant to the LRHL, it shall be designated a "Non-Condensation Redevelopment Area." Such a designation would authorize the Borough to use all those powers provided by the Legislature for use in a redevelopment area, excluding eminent domain.

The Borough subsequently directed Burgis Associates, Inc. to prepare a planning analysis for its review and recommendation to the Borough Planning Board and Governing Body as to whether the site qualified as a redevelopment area under the LRHL.

Ultimately, the investigation study determined that Block 70.01, Lot 80 displayed characteristics that satisfy the statutory criteria and recommended the properties be designated as a Non-Condensation Redevelopment Area.

Pursuant to the provisions of the Local Redevelopment and Housing Law (LRHL), NJSA 40A:12A and based upon the results of the investigation and recommendation of the Planning Board, the Borough of Wallington designated the subject properties as "an area in need of redevelopment" without condemnation by Council resolution No. 2023-075 adopted on January 19, 2023 and thereafter, authorized the Planning Board to prepare a redevelopment plan pursuant to resolution No. 2023-76 adopted at the same meeting.

This plan represents the next step in the redevelopment process. It is designed to affirmatively address the statutory requirements set forth in the LRHL, identifying the plan's relationship to local land use objectives, and enumerating the uses that may be permitted in the area, along with regulatory controls governing the proposed intensity and distribution of those uses. The plan incorporates the philosophy and policies of the State's Strategic Plan and envisions the creation of a warehousing and manufacturing center as a realistic and necessary means to promote redevelopment of the property.



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REDEVELOPMENT PLAN – STATUTORY PROCESS AND REQUIREMENTS

THE REDEVELOPMENT PROCESS

As outlined by the LRHL, the first step of the redevelopment process for designating an area as an area “In Need of Redevelopment” requires the Governing Body to first introduce a resolution designating the area as such. Such resolution for the subject area was adopted by the Governing Body on January 19, 2023.

An area qualifies as an in need of redevelopment if it meets at least one (1) of the eight (8) statutory criteria listed under Section 14 of the LRHL as summarized below:

- | | |
|---|---|
| a. Deterioration | The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions. |
| b. Abandoned Commercial & Industrial Buildings | The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable. |
| c. Public & Vacant Land | Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital. |



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d. **Obsolete Layout & Design**

Areas with buildings or improvements which, by reason of dilapidation, obsolescence, over-crowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

e. **Property Ownership & Title Issues**

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.

f. **Fire & Natural Disasters**

Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

g. **Urban Enterprise Zones**

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zone Act," the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment



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h. Smart Growth Consistency

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

With respect to the “h” criterion, there are ten (10) principles of smart growth. These principles are established as follows:

1. Mix of land uses.
2. Take advantage of compact design.
3. Create a range of housing opportunities and choice.
4. Create walkable neighborhoods.
5. Foster distinctive, attractive communities with a strong sense of place.
6. Preserve open space, farmland, natural beauty, and critical environmental areas.
7. Direct development toward existing communities.
8. Provide a variety of transportation choices.
9. Make development decisions predictable, fair, and cost effective; and
10. Encourage community and stakeholder collaboration in development decisions.

In addition to the above criteria, the LRHL permits the inclusion of land which may not meet the above criteria, but which otherwise is necessary for redevelopment. Section 3 of the LRHL, “redevelopment area” provides for the following:

“A redevelopment area may include lands, buildings, or improvements, which of themselves are not detrimental to the public health, safety, or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part” (N.J.S.A. 40A:12-3).”

In summary, the LRHL essentially establishes a two-fold process in which a site is designated as an Area of Need of Redevelopment, and subsequently a plan is prepared based on that designation. The Governing Body then adopts the redevelopment plan which supersedes zoning and becomes the development regulation for the target area. The accompanying Figure 1 provides a summary of this process, beginning with the adoption of a resolution by the governing body to the preparation and adoption of a redevelopment plan.



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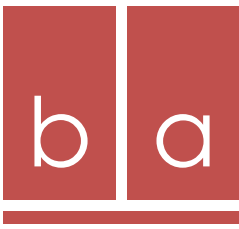
FIGURE 1- REDEVELOPMENT PROCESS



THE REQUIRED PLAN COMPONENTS

The Local Redevelopment and Housing Law (LRHL) identifies the required elements that must be incorporated into a redevelopment plan. The statute provides that the redevelopment plan is to include an outline for the planning, development, redevelopment or rehabilitation of the project area sufficient to indicate:

- A. The relationship to definite local objectives as to appropriate land uses, density of population, improved traffic and public transportation, public utilities, recreational and community facilities and other improvements;
- B. Proposed land uses and building requirements in the project area;
- C. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to where decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing housing market;



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- D. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan;
- E. Any significant relationship of the redevelopment plan to the master plans of contiguous municipalities, County Master Plan, and State Development and Redevelopment Plan.



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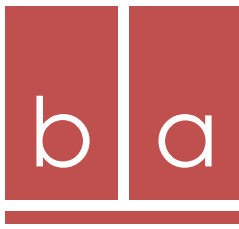
PROPERTY CHARACTERISTICS

The following section provides a general overview of the property description, an analysis of existing land uses and surrounding development pattern and current zoning.

Property Description

The Subject Site is located in the northeastern most portion of the Borough and abuts the municipal boundary with Wood-Ridge immediately to the east. The municipal boundary is separated by the presence of the NJ Transit rail line serving the Pascack Valley Line. NJ Transit also maintains the Westmount Rail Station which abuts the Study Area but presently has access only within the adjoining municipality of Wood-Ridge.

As shown on the accompanying Redevelopment Area Parcel Map the redevelopment area is comprised of a single parcel further identified as Block 70.01 Lot 80 with a total lot area of 9.67 acres. The site was formerly occupied by the Latex Corporation but is now vacant.



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ASSOCIATES, INC.

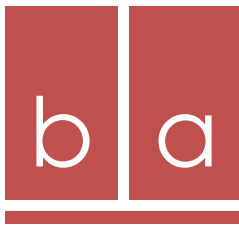
Parcel Map



Surrounding Development

As shown on the accompanying aerial map, the development pattern surrounding the Study Area is comprised of a variety of different uses. These are described in more detail below:

1. North: The area to the north is developed with both commercial and residential uses including the Jasontown garden apartments, individual commercial businesses and a recreational skating ring that is presently not operating and is approved for development of multifamily inclusionary housing.



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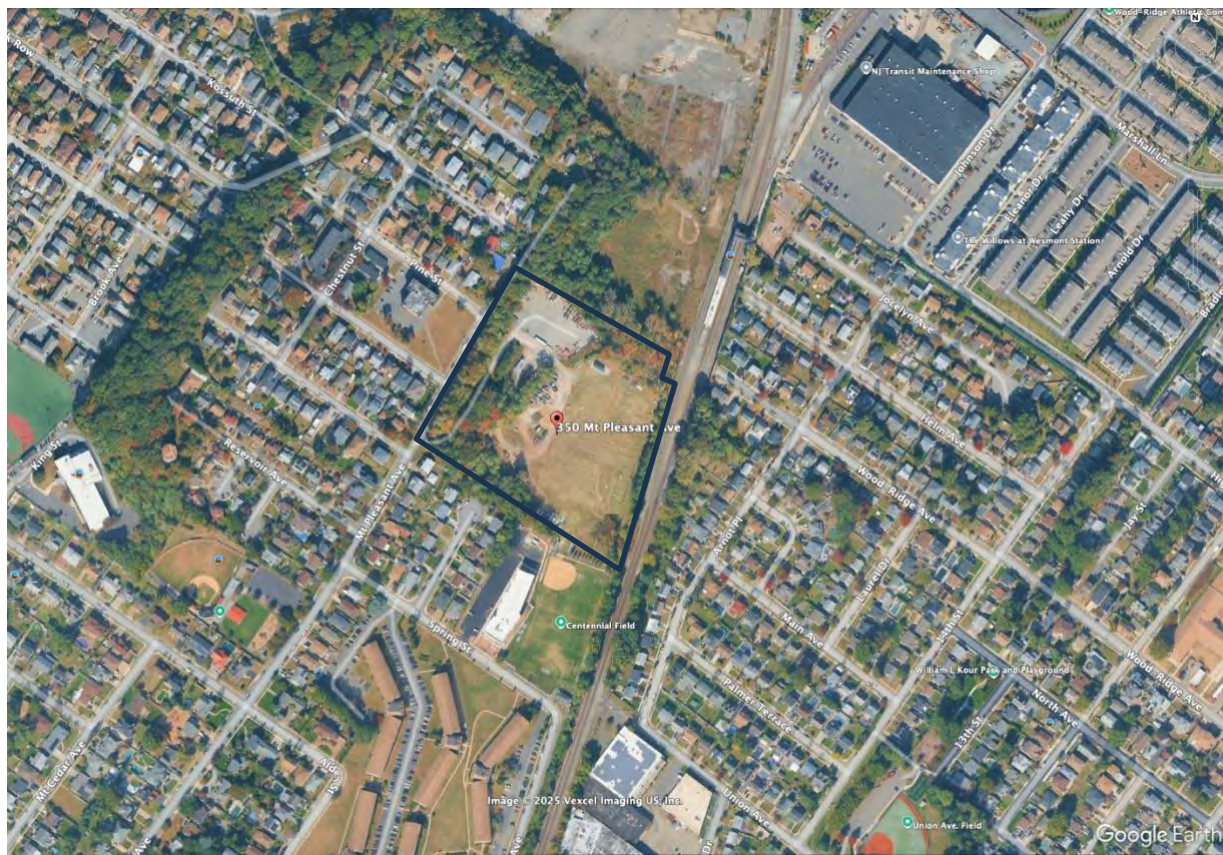
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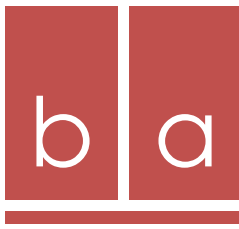
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Further north is the municipal boundary with South Hackensack Township which is developed commercially.

2. East: The NJ Transit rail line forms the entirety of the eastern boundary of the Study Area which also acts as the municipal boundary between the Boroughs of Wallington and Wood-Ridge. NJ Transit also maintains the Westmont Rail station which is situated directly between the two tracts that form the Study Area.
3. South: The area to the south includes a vacant parcel that is situated between both tracts of the Study Area. This parcel is identified as an inclusionary affordable housing site in the Borough's adopted Housing Element and Fair Share Plan.
4. West: Development within the area to the west includes a strip shopping center and single-family residential neighborhoods.

Site Aerial





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Current Zoning

The property is within portions of the LI, Light Industrial Zone, and the I, Industrial Zones.

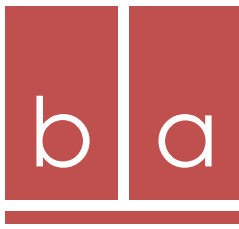
The LI and I zones permit uses typical of industrial zoning. Within the LI zone the following uses are permitted:

- Soft-drink bottling
- Embroidery.
- Manufacturing wearing apparel.
- Cabinetmaking.
- Printing and publishing.
- Assembly of electronic apparatus.
- Instrument making.
- Packaging products.
- Electroplating metals.
- Molding of plastics.
- Laundry and dry-cleaning plants.
- Bakeries and confectioneries.
- Storage and warehousing of small items weighing under 50 pounds.
- Eating and drinking establishments, provided that all food consumed on the premises is served within an enclosed structure.

Within the I zone, more intensive uses are permitted and include the following:

Any use which does not constitute an unusual fire or explosion hazard and which does not create a nuisance by reason of smoke, odor, dust, noise or glare, including:

- The manufacture or processing of products such as:
 - Food, except meat packing.
 - Textiles.
 - Furniture.
 - Fabricated metal.
 - Machinery.
 - Lumber.
 - Paper.



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- Leather.

Uses involving the treatment, assembly, alteration or storage of products such as:

- Power laundries.
- Cleaning and dyeing plants.
- Warehouses and truck terminals.
- Storage yards for lumber, coal and building materials.
- Storage and distribution of bulky items weighing over 50 pounds.

The storage of volatile liquids in aboveground tanks having a unit capacity of less than 100,000 gallons, provided that all aboveground tanks having a unit capacity in excess of 10,000 gallons will be at least 200 feet from the nearest property line and will be dyked in order to provide storage capacity equal to 1 1/2 times the capacity of the tank or tanks surrounded.

CONSISTENCY TO OTHER PLANS

RELATIONSHIP TO BOROUGH OF WALLINGTON MASTER PLANS

The Borough of Wallington Planning Board adopted its last comprehensive master plan including a land use element in 1979 (the "Master Plan"). The Master Plan subsequently underwent a series of reexaminations and amendments in 1980, 1990 and 2006. The most recent reexamination report of the Borough's Master Plan was adopted on February 16, 2021 ("2021 Reexamination Report").

Since adoption of the 2006 Reexamination Report, the Borough Planning Board adopted additional amendments to the Master Plan's Land Use element in 2006, 2013 and as recently as 2020 in conjunction with the Borough's adoption of its 2020 Housing Element and Fair Share Plan. The 2006 Land Use element amendment adopted by the Planning Board on December 16, 2006 identified Borough-owned property, depicted on the Borough Tax Map as Block 70.01, Lot 80, for inclusion within the recreation and open space land use category.

The 2013 Land Use element amendment adopted by the Planning Board on February 13, 2013 eliminated the PC, Planned Commercial land use category in favor of a Commercial Business, CB designation and included recommended zoning ordinance amendments to encourage economic development. The Borough subsequently amended the Borough Zoning Ordinance to implement the recommended zoning amendments.

The 2020 Land Use Element amendment adopted by the Planning Board on June 23, 2020 recognized land use changes that were as a result of the Borough's adoption of its Housing Element and Fair Share Plan.



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The Borough's land use objectives were largely reaffirmed in the 2021 Reexamination Report and include the following that are most relevant to this redevelopment plan:

LAND USE OBJECTIVES

1. *To preserve existing land use in an attractive and viable condition.*
2. *To control redevelopment so that it is compatible with, and/or enhances, existing land use and is in accordance with the Master Plan.*
3. *To revise existing land use ordinances in order to better effect the realization of the land use objectives.*
4. *To channel development so that it is of maximum benefit to Wallington's present and future population.*
5. *To protect the population from the dangers of floods and other natural disasters.*
6. *To promote a balance between the natural and man-made environment while still meeting the needs of the population.*

ECONOMIC PLAN OBJECTIVES

1. *To try to reduce the Borough's present level of unemployment and minimize future employment level.*
2. *To promote industrial and commercial uses within the Borough that will provide services, amenities and employment to local residents.*
3. *To preserve the tax base of the community by fostering a diversity of ratables.*

The recent adoption of the Borough's 2020 Housing Element and Fair Share Settlement and subsequent adoption of amendments to the Borough's Land Use Element to implement the housing plan will bring about significant changes to community. The 2020 Land Use Element amendment adopted by the Planning Board on June 23, 2020 created an "Affordable Housing Inclusionary Development" land use designation encompassing properties identified by the Borough's Tax Assessment records as Block 70.01, Lot 78, Block 70.05, Lot 8.01 and Block 71, Lots 35.01 and 35.02 nearby the redevelopment area. This new land use classification was created in order to promote residential development with a required inclusionary component to provide affordable housing opportunities consistent with the Borough's 2020 Housing Element and Fair Share Plan. The multifamily residential development proposed under this redevelopment plan is consistent with the recently amended Land Use Element.



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RELATIONSHIP TO THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN & STRATEGIC PLAN

State Development and Redevelopment Plan

The State Development and Redevelopment Plan (SDRP), adopted on March 1, 2001, is currently in the process of being updated and readopted by the State Planning Commission. While the Plan may undergo policy revisions, the Borough and redevelopment area's designation as within the PA-1 Metropolitan Planning Area has not changed nor the core principal that there be both public and private investment/reinvestment in the Metropolitan Planning Area and that growth and redevelopment be promoted in these communities. The Plan encourages both development and redevelopment in order to take advantage of the benefits of areas within the Metropolitan Planning Area which have an existing development pattern, extensive public transportation system, and access to regional markets.

All New Jersey governments and agencies thereof, are encouraged to review their plans with the goal to bring them into consistency with the strategies, objectives and policies of the State Plan. The following is a summary of the major land use policy objectives for Metropolitan Planning Area 1, which are as follows:

1. Land Use: Guide new development and redevelopment as to ensure efficient and beneficial utilization of scarce land while capitalizing on inherent public facility and service efficiencies created by the concentrated development patterns.
2. Housing: Preserve the existing housing stock through maintenance and rehabilitation and provide a variety of housing choices through development and redevelopment.
3. Economic Development: Promote economic development efforts such as infill and land assembly, public/private partnerships and infrastructure improvements.

Specifically, the SDRP intends the PA-1 Area to:

Provide for much of the state's future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities.¹

¹ State Development and Redevelopment Plan (SDRP), Executive Summary p. 27.



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There are three key provisions of the State Planning Act that are implemented by the SDRP as follows:

The State Planning Act contains three key provisions that mandate the approaches the Plan must use in achieving State Planning Goals. The Plan must²:

- *encourage development, redevelopment and economic growth in locations that are well situated with respect to present or anticipated public services or facilities and to discourage development where it may impair or destroy natural resources or environmental qualities;*
- *Reduce sprawl*
- *Promote development and redevelopment in a manner consistent with sound planning and where infrastructure can be provided at private expense or with reasonable expenditures of public funds (N.J.S.A. 52:18A-196, et seq.)*

The Redevelopment Area is appropriately located within the PA-1 where development, as contemplated by the Plan, is encouraged by the SDRP. The site will promote redevelopment in a manner that is consistent with sound planning, utilize and improve existing infrastructure, does not impact natural resources or environmental qualities of the site or surrounding area and reduces sprawl by redeveloping an existing manufacturing site as opposed to undeveloped, vacant land.

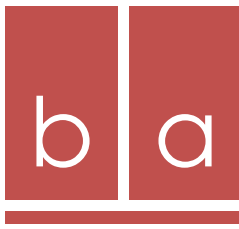
State Strategic Plan

In October of 2011, the Draft State Strategic Plan (SSP) was released as an update to the current State Development and Redevelopment Plan (SDRP). The intent of the SSP is to increase focus on policies aimed to foster job growth, support effective regional planning, and preserve the State's critical resources. The four overarching goals that serve as the blueprint of the Plan are summarized as follows:

Goal 1: *Targeted Economic Growth. Enhance opportunities for attraction and growth of industries of statewide and regional importance;*

Goal 2: *Effective Planning for Vibrant Regions. Guide and inform regional planning so that each region of the State can experience appropriate growth according to the desires and assets of that region;*

² SDRP, Plan Document, p.24.



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Goal 3: *Preservation and Enhancement of Critical State Resources. Ensure that strategies for growth include preservation of the State's critical natural, agricultural, scenic, recreation, and historic resources.*

Goal 4: *Tactical Alignment of Government. Enable effective resource allocation, coordination, cooperation, and communication amongst governmental agencies on local, regional, and state levels.*

Unlike the existing SDRP, the SSP did not contain any mapping. Thus far in its draft form, the SSP appears to have a greater emphasis on the State's overall economic framework and provide information and goals for New Jersey's various industry clusters. However, the SSP has not yet been adopted by the State Planning Commission.



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RELATIONSHIP TO BERGEN COUNTY MASTER PLAN

The Bergen County Planning Board recently adopted an updated County Master Plan on April 11, 2023 which designates the Borough within the Southwest Bergen area of the County³.

SOUTHWEST BERGEN

Southwest Bergen includes 12 municipalities: **Carlstadt, East Rutherford, Hasbrouck Heights, Little Ferry, Lyndhurst, Moonachie, North Arlington, Rutherford, South Hackensack, Teterboro, Wallington, and Wood-Ridge**. This region is bounded by the Hackensack River on the east, and the Passaic River on the west. Nine of these municipalities are part of the Meadowlands District (**Carlstadt, East Rutherford, Little Ferry, Lyndhurst, Moonachie, North Arlington, Rutherford, South Hackensack, and Teterboro**). The area contains the Meadowlands Sports Complex, composed of MetLife Stadium (formerly known as New Meadowlands Stadium, and successor to Giants Stadium), Meadowlands Racetrack, the Quest Diagnostics Training Center (the training facility utilized by the National Football League's New York Giants), and the Meadowlands Arena (formerly known as the Brendan Byrne Arena, Continental Airlines Arena, and Izod Center). The complex also includes the retail and entertainment complex known as American Dream Meadowlands (formerly known as Xanadu). This area is accessible by major roadways including I-95/New Jersey Turnpike, NJ-17, NJ-3, NJ-120, US-46, and I-80. NJ Transit services this sector through the Bergen County Line (Rutherford and Westmont stations), Pascack Valley Line (Wood-Ridge and Teterboro-Williams Avenue stations), Main Line (Lyndhurst and Kingsland stations), and the Meadowlands Complex spur from Secaucus Junction. The area also contains Teterboro Airport, a facility managed by the Port Authority of New York and New Jersey.



The County Plan is divided into various topic areas, each with their own set of goals and subsections of objectives.

The Goals of the County Plan under Land Use and Housing that are applicable to the DRA include the following⁴:

³ Bergen County Master Plan 2023.

⁴ Ibid, Land Use and Housing pages 17-30.



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GOAL 1: Become the model for smart growth and sustainable development both in New Jersey and in the region;

GOAL 2: Advance the redevelopment of brownfields & underutilized sites ("Greyfields");

GOAL 3: Limit sprawl development patterns which increase vehicle traffic and congestion.

GOAL 5: Mainstream the use of green building and sustainable design.

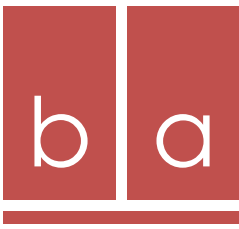
The Redevelopment plan seeks to repurpose existing property into residential use for the purposes of providing for inclusionary residential development that will provide for affordable housing consistent with the Borough's obligation under Mount Laurel. As redevelopment of property is a key element of the County plan, the redevelopment plan is consistent with County policies.

RELATIONSHIP TO THE BOROUGH OF WOOD-RIDGE MASTER PLAN

The redevelopment area abuts the Borough of Wood-Ridge and no other municipalities. The Borough adopted its most recent master plan document as a reexamination report dated March 8, 2016 and revised through April 28, 2016. The report was adopted by the Planning Board on June 21, 2016.

The Main Avenue Redevelopment Area abuts an area designated as the Westmont Station Redevelopment Area which describes the Westmont Station Redevelopment Area as follows:

The site on which the Westmont Station is located is, for the most part, a former parking area of approximately 60 acres, which was needed when the Curtis Wright facility was in full operation decades ago. When Curtiss Wright sold its holdings in Wood-Ridge, the parking area – plus some adjoining properties – was considered ripe for redevelopment, by both the new owners and the Borough. As a result the Westmont Station Redevelopment Plan was adopted and essentially divided into five "zones" or districts, which were substantially different than other land use designations in the Borough. Those land use districts include a single family detached residential area along the eastern border of the site, a mid rise residential/mixed use area along the western and northern boundaries of the site a retail commercial district next to Passaic Avenue, an affordable housing site at the southern end and a public recreation area next to the affordable housing site. The remainder of the site, mostly the interior area of the property has been designated for moderate density residential development – primarily townhomes of various designs. In addition to allowing for a variety of uses at this location, the plan also adopts the



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principles of New Urbanism and design standards are included that are intended to produce a unique setting once the entire project is completed.

The Westmont Redevelopment is presently under construction. The redevelopment plan promotes multifamily residential development and therefore, is compatible with the land uses in the neighboring municipality.



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REDEVELOPMENT PLAN DETAILS

This redevelopment plan is intended permit residential inclusionary development in fulfillment of the Borough's Mount Laurel obligation.

The redevelopment plan identifies development regulations designed to enhance the use of the site with zoning and design requirements that promote the appropriate development in a manner consistent with goals and vision of creating a functioning and modernized commercial facility.

These regulations shall serve as the redevelopment plan for the area, which shall be referred to as the **Latex Redevelopment Zone** (LRZ) for Block 70.01, Lot 80 as indicated in accompanying Zoning Map. This Redevelopment Plan shall only supersede those use, area and bulk provisions in conflict with the Borough of Wallington ordinances. (Zoning). In all situations, where development regulations are not specifically addressed herein, the Borough of Wallington ordinances shall remain in effect. Final adoption of this Redevelopment Plan by the Borough Council shall be considered an amendment of the Borough of Wallington Zoning Ordinance and Map.

Zoning Map





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PLAN COMPONENTS

Description of the Latex Redevelopment Zone. The LRAZ shall include the following parcel: Block 70.01 Lot 80.

Plan Goals. The primary goal of the MARA Zone is to:

1. Promote the redevelopment of the site to promote affordable housing.
2. Encourage the efficient use of land consistent with Borough, State and County planning policies.
3. To create an attractive and active residential community through enhanced architectural and engineering design.
4. To incorporate "green" and sustainable land use and architectural design to enhance the built environment.

Purpose. The purpose of this district is to promote a residential development that will implement the goals of the redevelopment plan outlined above pursuant to the LRAZ regulations enumerated herein.

Deviation from Standards Defined.

- a) Deviations from redevelopment standards contained herein shall be deemed zoning requirements requiring variance relief pursuant to N.J.S.A. 40:55D-70(c).
- b) Deviations from architectural design standards shall be deemed design standard exceptions pursuant to N.J.S.A. 40:55D-51.
- c) The purpose of this Chapter is to implement and incorporate the Borough's Housing Element and Fair Share Plan addressing the Borough of Wallington's constitutional obligation to provide affordable housing opportunities under the New Jersey Supreme Court's Mount Laurel decisions. Any development within any affordable housing zone, as identified in this Article, shall comply with the applicable regulations specified in this Article as well as compliance with the applicable regulations specified under Chapter 153, Affordable Housing.
- d)

Developer's Agreement Required



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Development within an affordable housing zone, as identified in this Article, shall require a developer's agreement pursuant to Chapter 330, Article VIII as a condition of site plan approval granted by the appropriate Borough land use board. The required developer's agreement may include but not be limited to conditions of site plan approval, infrastructure and traffic improvements and compliance with affordable housing regulations.

A. Permitted Uses

- (1) Permitted principal uses. Expressly subject to the requirements herein and below, the following uses are permitted as principal uses within the LRAZ:

Market rate and affordable residential housing within multi-family buildings, that may include family, senior and adult special needs housing.

- (2) Permitted Maximum Number of Housing Units. The maximum number of units that may be constructed on-site shall not exceed 140 residential housing units. The number of residential units to be constructed shall include an affordable housing set aside of no less than 20% on-site units which shall be set-aside as affordable to low- and moderate-income households.

- (3) Permitted accessory uses.

- (a) Off-street parking facilities including structured parking. Parking is permitted in the front, side and rear yards except no parking shall be permitted along the frontage of Mount Pleasant Avenue except in structured parking not visible from the public right of way.
- (b) Other uses that are customarily incidental and subordinate to a permitted principal use.
- (c) Common facilities and amenities serving the residents of the multi-family development including common walkways, sitting areas and gardens, and other similar uses.
- (d) Decorative fences and walls no greater than eight (8) feet above ground level within a side or rear yard, and no greater than four (4) feet within a front yard.



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- (e) Bike racks.
- (f) Solid waste and recycling area, setback at least five (5) ft. from any rear or side yard.
No setback from the parking area is required. The area shall be screened from view from a public right-of-way by either block and/or chain link fence.
- (g) Site lighting in accordance with the standards in subsection lighting.
- (h) Retaining walls.
- (i) Electrical transformers.

B. Building Bulk, Area and Size Requirements

- (1) Minimum lot area (acres): 9.0
- (2) Minimum building front yard setback (feet): 40 from Mt. Pleasant, 20 from other ROW.
- (3) Minimum building side yard (feet): 30
- (4) Minimum building rear yard (feet): 50
- (5) Minimum separation between buildings (feet): 45
- (6) Maximum building length (feet):
 - (a) Along frontage on Mount Pleasant Avenue: 200
 - (b) Other: 300
- (7) Maximum building coverage (%): 50
- (8) Maximum lot coverage (%): 70
- (9) Building heights shall be regulated as follows:
 - (a) To provide for the appropriate transition and relationship of a proposed multistory development to the adjacent residential single-family neighborhood located on Mount Pleasant Avenue to the northwest and taking into consideration the specific



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topographic conditions within the zone, the regulations regarding permitted maximum building height, as provided herein, are as follows:

- i. It is the intent to restrict all buildings fronting directly along Mount Pleasant Avenue to a building height of 3-stories of residential building over 1 story of structured parking. The maximum building elevation to the highest point of a flat roof or to the deck line of a mansard roof or to the midpoint below the highest peak on a gable, sloped or hip roof shall not exceed mean sea level elevation of 120 feet N.A.V.D. 1988 as measured at the midpoint of the property frontage on Mount Pleasant Avenue utilizing a base elevation of 85 plus 35 feet. This elevation shall be maintained for all buildings within 150 feet of the property line with Mount Pleasant Avenue.
 - ii. Buildings set back beyond 150 feet from Mount Pleasant Avenue as required Section 365-66 B {11} i above shall not exceed a building height of 5 stories or 65 feet over 1 story structured parking measured as the vertical distance from the average elevation of the finished grade to the top of the roof surface for mansard and flat roofs and to the vertical midpoint between the base of the roof and its peak for peaked roofs.
- (b) Group Home building height shall be limited to 2.5 stories not to exceed a building height of 35 feet measured as the vertical distance from the average elevation of the finished grade to the top of the roof surface for mansard and flat roofs and to the vertical midpoint between the base of the roof and its peak for peaked roofs.
- (c) Rooftop appurtenances and penthouses for mechanical equipment and roof access may be permitted to exceed the maximum building height by no more than 10 feet and shall occupy a roof area of no more than 25 percent and be setback no less than 10 feet from the edge of the roofline. Mechanical equipment shall be screened in a manner that is complementary to the architectural design of the proposed principal building.
- (d) The height of permitted accessory structures (exclusive of Pedestrian Bridge Structures as set forth above) shall not exceed 15 feet.



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C. Site Access, Off-Street Parking, and Loading Requirements

- (1) A site access driveway shall be permitted from Mount Pleasant Avenue with a minimum width of 24 feet.
- (2) On site circulation and number and dimensions of parking spaces shall comply with RSIS.
- (3) Required parking may be reduced by the appropriate land use review Board consistent with RSIS standards N.J.A.C. 5:21-4.14(c) provided:
 - (a) A parking demand analysis demonstrating that adequate parking is provided to serve the proposed development is submitted for review and approval by the appropriate land use review Board which may include but not be limited to:
 - i. Implementation of appropriate improvements and physical connections to mass transit facilities that are either in place or approved for construction by the appropriate transit agency within a time frame to be available to serve the proposed development.
 - ii. Alternate parking systems are provided that would include but not be limited to tandem or stacked assigned parking spaces and mechanical or robotic parking systems designed to maximize interior structured parking space or combination of these mechanisms.
 - (b) Parking availability shall be staged such that each phase of development is supported by adequate parking and no building may be occupied unless compliant with the minimum required parking.
- (4) Parking shall be permitted in the front, side and rear yard. No parking setback from a principal or accessory structure is required except as otherwise prohibited.
- (5) There shall be no charge for parking designated for affordable housing units within the development.
- (6) A designated loading area shall be provided to accommodate residential package delivery.



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D. Identification Sign.

One (1) wall mounted, non-illuminated address sign is permitted on each face of the building with a maximum area of five (5) square feet per sign, as well as a ground mounted monument sign, at any site driveway, setback from the property line by 10 feet and with a maximum sign area of 32 square feet and maximum height of 6 feet (including base), which may be internally or externally illuminated.

E. Design Standards.

- (1) Except as set forth herein, compliance with Article VI Site Plan Details and Article VII Design Standards for Site Plan Approval of Chapter 330 of the Borough of Wallington Code shall be required. Where any provision of Articles VI and VII is in conflict with any provision of this section, the design standards as enumerated below shall control.
- (2) A multi-family building shall have a unified theme, displayed through the application of common building materials that achieves a harmonious and cohesive design.
- (3) Buffers and Landscaping. Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, and screen parking areas. The landscape design shall create visual diversity and contrast through variation in size shape, texture and color. All areas that are not improved with buildings, structures and other man-made improvements shall be landscaped with trees, shrubs, ground cover, street furniture, sculpture or other design amenities and shall be subject to the following:
 - (a) A minimum landscaped buffer of 10 feet shall be maintained along the front and side yards of the site. Buffer areas may overlap required setbacks.
 - (b) Trees shall be installed at a minimum caliper of 2.5 to 3.5 inches caliper with a canopy height of at least the minimum American Nursery and Landscape



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Association Standards for this caliper but not less than 6 to 8 feet (deciduous and evergreen).

- (c) Shrubs shall be planted at a minimum size of 18 to 24 inches.
- (d) All plant material shall meet the minimum latest American Nursery and Landscape Association Standards.
- (e) Existing vegetation within required buffer areas shall be preserved, as determined appropriate. It shall be supplemented where necessary to provide the required 10 foot planted buffer.
- (f) Irrigation shall be provided for all buffer plantings and landscaped areas in a manner appropriate for the specific plant species.
- (g) Preference shall be given to plants indigenous to the region and invasive species are to be avoided. No less than 30 percent of the plantings shall be indigenous to the region.
- (h) Landscaping within sight triangles shall not exceed a mature height of 30 inches. Shade trees shall be pruned up to an 8-foot branching height above grade.

(4) Lighting

- (a) A lighting plan shall be provided with site plan applications.
- (b) The intensity, shielding, and direction of lighting shall be subject to site plan approval by the approving authority.
- (c) All parking areas, walkways, building entrances, and driveways required for uses in this zone shall be adequately illuminated after sunset. The arrangement of exterior lighting shall adequately illuminate parking areas in accordance with the Illumination Engineering Society standards and be designed as to prevent glare to adjoining



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areas.

- (5) Sidewalks. Sidewalks shall be required along adjoining public rights of way and internally to promote pedestrian safety and movement.
- (6) Solid Waste. All exterior solid waste/recycling storage areas shall be enclosed on all four sides by decorative fencing intended to screen such areas of no less than 6 feet in height.
- (7) Utilities. All on-site utilities shall be placed underground pursuant to RSIS standards.
- (8) Relief from any required site design standard under §365-66, Design Section E enumerated above, shall be considered a design standard exception pursuant to N.J.S.A. 40:55D-51 (b) and not a variance.

Administration.

1. Applicability. The standards and procedures contained herein within this Section entitled "Administration", shall apply to all projects within the designated redevelopment area.
2. Computations. Rounding: Where cumulative requirements or limitations are to be computed for purposes of this Plan, fractions shall be carried forward in the summation, and the total rounded to the nearest whole number.
3. Other Actions by the Borough in Furtherance of the Plan. Other actions may be taken by the Borough to further the goals of the Plan. These actions may include, but shall not be limited to, provisions for public infrastructure necessary to service new development and vacation of public utility easements and other easements and rights-of-way as may be necessary for development. Unless otherwise agreed to by the designated Developer and the Borough as part of a Redevelopment Agreement, the costs for such actions shall be apportioned in accordance with N.J.S.A. 40:55D-42.
4. Approval process.



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- a) No development shall occur within the designated redevelopment area without the developer first being designated redevelopment developer by the Borough Governing Body, which said designation shall be expressly subject to the redevelopment developer entering into a Redevelopment Agreement with the Borough.
- b) Upon designation of a redevelopment developer, the developer shall enter into a Redevelopment Agreement with the Borough. Only designated developers with an executed Redevelopment Agreement with the Borough shall have standing to apply to the Borough Planning Board for development. No application for development within the redevelopment area shall be submitted to the Borough Planning Board without an executed Redevelopment Agreement.
- c) Prior to entering into a Redevelopment Agreement with the Borough, the designated Redeveloper shall provide site plan details to the Governing Body for consideration. The site plan submittal, to be incorporated into the Redevelopment Agreement, shall include details for the construction of a new roadway to be located along the southerly property line within the general area of the existing right of way easement. Details for the construction of the roadway and realignment of the easement shall be incorporated into the Redevelopment Agreement which shall also address the details and timing of the road's location, construction and eventual dedication to the Borough. The Redeveloper shall also be required to contribute its pro rata share to the development of the new roadway.
- d) Green technologies to promote sustainability are to be encouraged as part of the Redevelopment Agreement.
- e) Upon the execution of a Redevelopment Agreement with the Borough, the designated redeveloper shall submit an application for site plan approval to the Borough Planning Board in accordance with the Redevelopment Plan.
- f) Site Plan and Subdivision Review. Prior to the issuance of construction permits for development within the Redevelopment Area, site plans for the construction of improvements within the Redevelopment Area, prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.) and consistent with the site plan incorporated into the Redevelopment Agreement, shall be submitted by the Designated Developer for review and approval by the Borough Planning Board. If there is a material change to the site plan incorporated into the



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

PRINCIPALS:
Joseph H. Burgis PP, AICP
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David Novak, PP, AICP

Redevelopment Agreement, such material changes must be first be approved by the Borough Council as a prerequisite to site plan approval.

- g) A detailed traffic analysis shall be prepared and submitted by a qualified New Jersey licensed engineer whose primary practice is in the area of traffic engineering as a requirement for any site plan application filed in connection to any redevelopment project as contemplated above. The traffic analysis will detail existing and contemplated traffic generation for the Redevelopment Area and the surrounding area, and any required improvements to any affected public right of ways necessitated by the proposed development, including Main Avenue and the proposed new right of way along the southerly property line.
 - h) Excepting, no construction or alteration to existing or proposed buildings shall take place until a site plan reflecting such additional or revised construction has been submitted to, and approved by, the Planning Board. This pertains to revisions or additions prior to, during, and after completion of the improvements. These requirements do not preclude approval by the Borough Construction Code Official of de minimis field changes to a site plan previously approved by the Planning Board.
 - i) The Designated Redeveloper shall be required to provide the Borough with copies of all permit applications made to federal, state and county agencies upon filing such applications, and as may be required by the Redevelopment Agreement to be executed between the Redeveloper(s) and the Borough.
5. Deviations. The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan as follows:
- a. Except as provided for otherwise, deviations from the development regulations contained herein shall be deemed zoning requirements requiring variance relief pursuant to N.J.S.A. 40:55D-70(c) where, by reason for exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographic conditions, preexisting structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective, or regulation adopted pursuant to this Redevelopment Plan would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property.



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- b. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Redevelopment Plan and the benefits of the deviation would outweigh any detriments.
 - c. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this Redevelopment Plan.
 - d. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in NJSA 40:55D-12. a. and b.
 - e. Deviations from architectural design standards shall be deemed design standard exceptions pursuant to N.J.S.A. 40:55D-51.
6. Notwithstanding the above, any changes to the uses permitted in the MARA, or any other deviation requiring a variance pursuant to N.J.S.A. 40:55D-70d shall be permitted only by means of an amendment of the Redevelopment Plan by the Governing Body. Redevelopment Actions. The Borough shall have such powers and duties as set forth in the LRHL and as may be conferred by this Redevelopment Plan, including, but not limited to, the authority to relocate residents and businesses, to designate Redevelopers, establish clear terms and conditions for rehabilitation through the negotiation, execution, and administration of redevelopment agreements, and to do such other things as permitted by law.
7. Escrows. The Redevelopment Agreement shall provide that the Designated Developer shall be responsible to post sufficient escrows to cover the reasonable costs of the Borough and the professional consultants retained by the Borough to negotiate the Redevelopment Agreement, any other agreements associated with the project, undertake any studies in connection with the project, review the proposed project and advise the Borough on any and all aspects of the redevelopment process and as otherwise set forth in the Redevelopment Agreement. The Borough retains the right to require additional escrow when as needed to address Borough costs as outlined herein.



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8. Infrastructure. In accordance with N.J.S.A. 40:55D-42 or as may otherwise be required by the Borough and agreed to by the Redeveloper in the Redevelopment Agreement, the Redeveloper shall, at Redeveloper's cost and expense, provide all necessary engineering studies for, and construct or install all on-and off-site municipal infrastructure improvements and capacity enhancements or upgrades required in connection with traffic control measures, water service, sanitary sewer service, stormwater management, and flood mitigation measures to the project, in addition to all required tie-in or connection fees subject to appropriate credits as required by law. In accordance with N.J.S.A. 40:55D-42, or as may otherwise be required by the Borough and agreed to by the Redeveloper in the Redevelopment Agreement, the Redeveloper shall, at Redeveloper's cost and expense, also be responsible for providing all sidewalks, curbs, streetscape improvements (street trees and other landscaping), street lighting, and on-and off-site traffic controls and road improvements for the project or required due to the impacts of the project. The Redeveloper shall be required to receive all necessary approvals for infrastructure, including at the County and State level as applicable.
9. This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law and a request for same may be submitted to the Borough Council. The Borough of Wallington reserves the right to amend this plan. The Redeveloper shall remit an escrow for professional fees if it requests a Plan amendment, while the Borough shall bear its own professional fees if the Plan amendment request originates from the Borough or an agency of the Borough. The Borough, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey and other additional professionals.
10. The provisions of this Redevelopment Plan specifying the redevelopment of the DRA and the requirements and restriction with respect thereto shall remain in effect until otherwise amended or repealed by the Borough Council.
11. Certificate of Completion. Upon completion of a project, the developer shall submit for a Certificate of Completion.
12. Other Applicable Design and Performance Requirements. The designated redeveloper shall comply with any design or performance standards set forth in the Land Development Code of the Borough of Wallington not addressed within this Redevelopment Plan.

Draft Rezoning Ordinance: 1 & 2 Midland Avenues And 434 Main Avenue

DRAFT
BOROUGH OF WALLINGTON

ORDINANCE No. _____

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 365: ZONING OF THE
BOROUGH OF WALLINGTON ESTABLISHING THE MIDLAND AVENUE
AFFORDABLE HOUSING ZONE

WHEREAS, the Fair Housing Act has been amended by the legislature to create a new process for the approval of municipal affordable housing plans for the Fourth Round pursuant to the New Jersey Supreme Court's Mount Laurel doctrine; and

WHEREAS, the Borough of Wallington has filed a declaratory judgement action seeking a certificate of compliance from the newly created Program for the Fourth Round certifying the Borough's Housing Element and Fair Share Plan satisfies its constitutional obligation to provide for affordable housing under the New Jersey Supreme Court's Mount Laurel decisions; and

WHEREAS, the Borough has determined to amend the Borough's zoning ordinance to establish the Midland Avenue Affordable Housing Zone in order to implement the Borough's Fourth Round Housing Element and Fair Share Plan;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Wallington, Bergen County, New Jersey that it does hereby amend, modify and supplement Chapter 365, Zoning as follows:

SECTION 1. Article II, Zoning Districts; Map; Boundaries §365-8, Districts Enumerated, is hereby amended and supplemented with the following new zoning districts:

MAAH-1	Midland Avenue Affordable Housing – 1 Zone
MAAH-2	Midland Avenue Affordable Housing – 2 Zone
MUAH	Mixed Use Affordable Housing Zone

SECTION 2. Article II, Zoning Districts and Zoning Map, §365-9, Zoning Map, is hereby amended and supplemented to add the following new zones within the MAAHZ-1, MAAH-2 and MUAH Zones:

- a. Block 71, Lot 1 comprising of 2.94 acres of land is hereby zoned within the MAAH-1 Zone.
- b. Block 71, Lots 13-14 comprising of 1.139 acres of land is hereby zoned within the MAAH-2 Zone.
- c. Block 70.01, Lot 4.01 comprising of 3.5 acres of land is hereby zoned within the MUAH Zone.

SECTION 3. New Section §365- is hereby added establishing district regulations as follows:

§365- Use regulations MAAH Midland Avenue Affordable Housing Zone.

A. Permitted principal uses. Within the MAAH-1, Midland Avenue Affordable Housing Zone 1, no premises, lot, building or structure shall be used and no building or structure shall be erected or altered to be used, in whole or in part, for any use except for the following:

- (1) Market rate and affordable residential housing within multi-family buildings, that may include family, senior and adult special needs housing.
- (2) Townhouse development.

B. Permitted accessory uses in the MAAH-1 shall be as follows:

- (1) Off-street parking facilities
- (2) Common facilities and amenities serving the residents of the multi-family development including common walkways, sitting areas and gardens, and other similar uses.
- (3) Uses customary and incidental to those uses permitted in the zone.

C. Conditional uses. None

§365- Permitted Density in the MAAH-1. The maximum permitted number of residential shall not exceed 70 dwelling units.

§365- Use regulations MAAH Midland Avenue Affordable Housing-2 Zone.

Same as the MAAH-1 as permitted in the MAAH-1 Zone.

§365- Permitted Density in the MAAH-2. The maximum permitted number of residential shall not exceed 30 dwelling units.

§365- MAAH Zone District Regulations. The following regulations are applicable to any development within the specifi MAAH District.

A. MAAH-1 Lot Area and Bulk Regulations

- | | |
|--|--------------|
| (1) Minimum lot area (acres): | 2.5 |
| (2) Minimum setbacks from external lot lines (feet): | |
| (a) Front yard: | 25 |
| (b) Side yard: | 15 |
| (c) Rear yard: | 35 |
| (3) Maximum number stories and building height: | 3 stories/45 |
| (4) Maximum building lot coverage: | 35 percent |
| (5) Maximum impervious lot coverage: | 65 percent |

B. MAAH-2 Lot Area and Bulk Regulations

- | | |
|--|-----|
| (1) Minimum lot area (acres): | 1.5 |
| (2) Minimum setbacks from external lot lines (feet): | |
| (a) Front yard: | 10 |
| (b) Side yard: | |
| (c) Rear yard: | 25 |

- | | |
|---|--------------|
| (3) Maximum number stories and building height: | 3 stories/45 |
| (4) Maximum building lot coverage: | 35 percent |
| (5) Maximum impervious lot coverage: | 65 percent |

§365- Regulations Applicable To Both MAAH Zones

- A. Residential Site Improvement Standards (RSIS) shall apply.
- B. Parking Design Requirements. Per §365-39
- C. Landscaping.

- (1) Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate adverse visual impacts and provide windbreaks for winter winds and summer cooling for buildings, and enhance buffer areas. The impact of any proposed landscaping plan at various time intervals shall be considered. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site, drought, sun and shade tolerance), soil conditions, growth rate, longevity; root pattern, maintenance requirements, etc., shall be considered. Consideration shall be given to accenting site entrances and unique areas with special landscaping treatment. Flowerbed displays are encouraged.
- (2) Landscaped islands shall be at least six feet in width to accommodate plantings.
- (3) A minimum 10-foot landscaped buffer consisting of a dense evergreen mass shall be planted along the perimeter of the property to form a screen from adjoining properties.
- (4) Landscaping within sight triangles shall not exceed a mature height of 30 inches. Shade trees shall be pruned up to an 8-foot branching height above grade.
- (5) All areas that are not improved with buildings, structures and other man-made improvements shall be landscaped with trees, shrubs, ground cover, street furniture, sculpture or other design amenities.
- (6) Shade trees shall be a minimum 2.5 to 3-inch caliper with a canopy height of at least the minimum American Nursery and Landscape Association Standards for this caliper.
 - (a) Ornamental Trees shall be installed at a minimum size of 6 feet in height.

- (b) Shrubs shall be planted at a minimum size of 18 to 24 inches.
 - (c) All plant material shall meet the minimum latest American Nursery and Landscape Association Standards.
 - (d) Irrigation shall be provided for all landscape and lawn areas in a manner appropriate for the specific plant species.
 - (e) A growth guarantee of two growing seasons shall be provided and all dead or dying plants shall be replaced by the applicant, as required, to maintain the integrity of the site plan.
- (7) Landscape Plantings. The preference is for all plant materials to be indigenous to the region herein defined as the Bergen County region but in no event shall the plant materials be comprised of less than 50 percent indigenous species.
- (8) Plant species identified as “invasive” as identified by the New Jersey Department of Environmental Protection are prohibited.
- (9) Irrigation shall be provided to all landscaped areas.
- (10) Landscape Plan Content. A landscape plan shall be submitted with each major site plan or major subdivision application. In addition to the major site plan or subdivision submission requirements, the landscape plan shall include and identify the following information:
- (a) Existing and proposed underground and above ground utilities such as site lighting, transformers, hydrants, manholes, valve boxes, etc. existing wooded areas, rock outcroppings and existing and proposed water bodies.
 - (b) Existing and proposed topography and location of all landscaped berms.
 - (c) Location, species and sizes of all proposed shade trees, ornamental trees, evergreen trees and shrubs and areas for lawns or any other ground cover. Different graphic symbols shall be used to show the location and spacing of shade trees, ornamental trees, evergreen trees, shrubs and ground cover. The size of the symbol must be representative of the size of the plant shown to scale.
 - (d) A plant schedule indicating botanical name, common name, size at time of planting (caliper, height and spread), quantity, root condition and any special remarks (spacing, substitutions, etc.) for all plant material proposed. Plants within the plant schedule shall be keyed to the landscape plan utilizing the first letter of the botanical plant name.

- (e) Planting and construction details and specifications.

D. Lighting.

- (1) All lighting fixtures and foot-candle standards for parking areas and recreation facilities shall be consistent with the standards outlined by the Illuminating Engineering Society of North America (IESNA).
- (2) A lighting plan prepared by a qualified professional shall be provided with site plan applications.
- (3) The intensity, shielding, direction and reflecting of lighting shall be subject to site plan approval by the Planning Board.
- (4) All parking areas, walkways, building entrances, and driveways required for uses in this zone shall be adequately illuminated during the hours of operation that occur after sunset.
- (5) Lighting shall be shielded so as to prevent glare from adversely impacting surrounding properties.
- (6) Lighting shall be dark sky compliant pursuant to the standards of Dark Sky International.

E. Sidewalks. Within the development, sidewalks shall be required in accordance with the RSIS standards or as deemed appropriate by the Board. Sidewalks proposed within the public right of way shall be no less than four feet.

F. Signage. Identification Sign. One (1) wall mounted, non-illuminated address sign is permitted for each building with a maximum area of 5-square feet per sign, as well as a ground mounted sign, at any site driveway, setback from the property line by 10 feet and with a maximum sign area of 24 square feet and height of 6 feet (including base), which may be internally or externally illuminated. The base of the monument sign shall be appropriately landscaped.

G. To provide for the appropriate transition and relationship of proposed development to Midland Avenue and the surrounding area and taking into consideration the specific topographic conditions within the zone, the regulations regarding permitted maximum building height, as provided herein, are as follows:

- (1) Building height shall mean the vertical distance from the average ground elevation of the building or structure to the level of the highest point measured at the building corners from the first finished floor.
- (2) The height limit shall not apply to roof-mounted heating, air-conditioning or other mechanical equipment, except that such equipment shall not exceed a maximum height of 10-feet and shall not occupy more than 25% of the roof area. Additionally, such equipment shall setback from the roof edge a minimum of 10 feet and be screened by a wall, cover or by other means and that such screening shall be in keeping with the architectural motif of the building.

- (3) Building height for all other structures shall be limited to a building height of 3-stories over below grade structured parking. The maximum building height shall not exceed 45 feet.

H. Architectural Design Standards.

- (1) Horizontal articulation between floors. Each facade should be designed to have a delineated floor line between street level and upper floors. This delineation can be in the form of a masonry belt course, a concrete lintel or a cornice line delineated by wood detailing.
- (2) Vertical articulation. Each building facade facing a public right-of-way must have elements of vertical articulation comprised of columns, piers, recessed windows or entry designs, overhangs, ornamental projection of the molding, different exterior materials or wall colors, or recessed portions of the main surface of the wall itself. The vertical articulations shall be designed in accordance with the following:
 - (a) Each vertical articulation shall be no greater than thirty (30) feet apart.
 - (b) Each vertical articulation shall be a minimum of one (1) foot deep.
 - (c) Each vertical projection noted above may extend into the required front yard a maximum of eighteen (18) inches in depth.
 - (d) Building walls with expansive blank walls are prohibited on any building façade regardless of its orientation.

(3) Architectural Materials.

- (a) Permitted Foundation Materials: Brick masonry, stone masonry, cement-parged concrete block;
 - (b) Permitted Façade Materials: Brick masonry, stone masonry, stucco, wood siding/shingles for buildings designed to resemble a single-family residential building type only, fiber-cement siding/shingles to resemble a single-family residential building type only;
 - (c) Permitted Façade Accent Materials: Cast Stone, wood, fiber-cement trim, siding, and panels, composite trim, siding, and panels, architectural metal.
- (4) Rooflines. Roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
 - (5) Fenestration shall be architecturally compatible with the style, materials, colors

- and details of the building. Windows shall be vertically proportioned.
- (6) All buildings should relate harmoniously to the site's natural features and existing buildings, as well as other structures in the vicinity that have a visual relationship and orientation to the proposed buildings. Such features should be incorporated into the design of building form and mass and assist in the determination of building orientation in order to preserve visual access to natural and man-made community focal points.
 - (7) Buildings should be broken into segments having vertical orientation. A visual or physical break shall be required where buildings have a front wall that exceeds 125 feet in length, and in such case a visual or physical break shall be provided minimally every 50 linear feet.
 - (8) Buildings with expansive blank walls are prohibited. Appropriate facade treatments should be imposed to ensure that such buildings and facades are integrated with the rest of the development and the entirety of the building.
 - (9) Buildings are encouraged to incorporate such building elements as entrances, corners, graphic panels, display windows, etc., as a means to provide a visually attractive environment.
 - (10) Cornices, awnings, canopies, flagpoles, signage, and other ornamental features should be encouraged as a means to enhance the visual environment. Such features may be permitted to project over pedestrian sidewalks, with a minimum vertical clearance of 8.5 feet, to within four feet of a curb.
 - (11) A "human scale" of development should be achieved at grade and along street frontages through the use of such elements as windows, doors, columns, awnings and canopies.
 - (12) Design emphasis should be placed on primary building entrances. They should be vertical in character, particularly when there is the need to provide contrast with a long linear building footprint, and such details as piers, columns, and framing should be utilized to reinforce verticality.
 - (13) Refuse and recycling shall be located interior to a building or alternatively, if located outside, the refuse area shall be appropriately screened by decorative masonry wall consistent with the type of building materials used within the development not to exceed 6 feet.
 - (14) Rooftop utilities including HVAC units shall be shielded from public view with appropriate screening that complements the character of the building's architecture.
- §365- Affordable Housing Requirements. Residential development, shall comply with all provisions of Chapter 153 titled "Affordable Housing."

SECTION 4. §365- Use regulations MUAH, Mixed Use Affordable Housing Zone

- A. Permitted principal uses. Within the MUAH, Mixed Use Affordable Housing Zone no premises, lot, building or structure shall be used and no building or structure shall be erected or altered to be used, in whole or in part, for any use except for the following:
- (1) Commercial uses as permitted in the B, Business zone on the ground floor level within a mixed use building.
 - (2) Residential apartment units over commercial.
- B. No residential use will be permitted on the ground floor level with the exception of entry lobbies, mailrooms and delivery lockers.
- C. Permitted accessory uses in the MUAH shall be as follows:
- (1) Off-street parking facilities
 - (2) Loading facilities
 - (3) Common facilities and amenities serving the residents of the multi-family development including common walkways, sitting areas and gardens, and other similar uses.
 - (4) Uses customary and incidental to those uses permitted in the zone.
- D. Conditional uses. None

§365- Permitted Density in the MUAH. The maximum permitted number of residential shall not exceed 70 dwelling units.

§365- MUAH Zone District Regulations. The following regulations are applicable to any development within the MAUH District.

A. MUAH Lot Area and Bulk Regulations

- (1) Minimum lot area (acres): 3.5
- (2) Minimum setbacks from external lot lines (feet):
 - (a) Front yard: 25
 - (b) Side yard: 15
 - (c) Rear yard: 35
- (3) Maximum number stories and building height: 4 stories/45
- (4) Maximum building lot coverage: 45 percent
- (5) Maximum impervious lot coverage: 75 percent

§365- District Regulations

- A. For mixed use development required parking shall be the sum of requirements for each use. For the residential portion, Residential Site Improvement Standards (RSIS) shall apply.

B. Parking Design Requirements. Per §365-39

C. Landscaping.

- (1) Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking areas, mitigate adverse visual impacts and provide windbreaks for winter winds and summer cooling for buildings, and enhance buffer areas. The impact of any proposed landscaping plan at various time intervals shall be considered. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site, drought, sun and shade tolerance), soil conditions, growth rate, longevity; root pattern, maintenance requirements, etc., shall be considered. Consideration shall be given to accenting site entrances and unique areas with special landscaping treatment. Flowerbed displays are encouraged.
- (2) Landscaped islands shall be at least six feet in width to accommodate plantings.
- (3) A minimum 10-foot landscaped buffer consisting of a dense evergreen mass shall be planted along the perimeter of the property to form a screen from adjoining properties.
- (4) Landscaping within sight triangles shall not exceed a mature height of 30 inches. Shade trees shall be pruned up to an 8-foot branching height above grade.
- (5) All areas that are not improved with buildings, structures and other man-made improvements shall be landscaped with trees, shrubs, ground cover, street furniture, sculpture or other design amenities.
- (6) Shade trees shall be a minimum 2.5 to 3-inch caliper with a canopy height of at least the minimum American Nursery and Landscape Association Standards for this caliper.
- (7) Ornamental Trees shall be installed at a minimum size of 6 feet in height.
 - (a) Shrubs shall be planted at a minimum size of 18 to 24 inches.
 - (b) All plant material shall meet the minimum latest American Nursery and Landscape Association Standards.
 - (c) Irrigation shall be provided for all landscape and lawn areas in a manner appropriate for the specific plant species.

- (d) A growth guarantee of two growing seasons shall be provided and all dead or dying plants shall be replaced by the applicant, as required, to maintain the integrity of the site plan.
- (8) Landscape Plantings. The preference is for all plant materials to be indigenous to the region herein defined as the Bergen County region but in no event shall the plant materials be comprised of less than 50 percent indigenous species.
- (9) Plant species identified as “invasive” as identified by the New Jersey Department of Environmental Protection are prohibited.
- (10) Irrigation shall be provided to all landscaped areas.
- (11) Landscape Plan Content. A landscape plan shall be submitted with each major site plan or major subdivision application. In addition to the major site plan or subdivision submission requirements, the landscape plan shall include and identify the following information:
 - (a) Existing and proposed underground and above ground utilities such as site lighting, transformers, hydrants, manholes, valve boxes, etc. existing wooded areas, rock outcroppings and existing and proposed water bodies.
 - (b) Existing and proposed topography and location of all landscaped berms.
 - (c) Location, species and sizes of all proposed shade trees, ornamental trees, evergreen trees and shrubs and areas for lawns or any other ground cover. Different graphic symbols shall be used to show the location and spacing of shade trees, ornamental trees, evergreen trees, shrubs and ground cover. The size of the symbol must be representative of the size of the plant shown to scale.
 - (d) A plant schedule indicating botanical name, common name, size at time of planting (caliper, height and spread), quantity, root condition and any special remarks (spacing, substitutions, etc.) for all plant material proposed. Plants within the plant schedule shall be keyed to the landscape plan utilizing the first letter of the botanical plant name.
 - (e) Planting and construction details and specifications.

D. Lighting.

- (1) All lighting fixtures and foot-candle standards for parking areas and recreation facilities shall be consistent with the standards outlined by the Illuminating Engineering Society of North America (IESNA).
 - (2) A lighting plan prepared by a qualified professional shall be provided with site plan applications.
 - (3) The intensity, shielding, direction and reflecting of lighting shall be subject to site plan approval by the Planning Board.
 - (4) All parking areas, walkways, building entrances, and driveways required for uses in this zone shall be adequately illuminated during the hours of operation that occur after sunset.
 - (5) Lighting shall be shielded so as to prevent glare from adversely impacting surrounding properties.
 - (6) Lighting shall be dark sky compliant pursuant to the standards of Dark Sky International.
- E. Sidewalks. Within the development, sidewalks shall be required in accordance with the RSIS standards or as deemed appropriate by the Board. Sidewalks proposed within the public right of way shall be no less than four feet.
- F. Signage. Identification Sign. One (1) wall mounted, non-illuminated address sign is permitted for each building with a maximum area of 5-square feet per sign, as well as a ground mounted sign, at any site driveway, setback from the property line by 10 feet and with a maximum sign area of 24 square feet and height of 6 feet (including base), which may be internally or externally illuminated. The base of the monument sign shall be appropriately landscaped.
- G. To provide for the appropriate transition and relationship of proposed development to Main Avenue and the surrounding area and taking into consideration the specific topographic conditions within the zone, the regulations regarding permitted maximum building height, as provided herein, are as follows:
- (1) Building height shall mean the vertical distance from the average ground elevation of the building or structure to the level of the highest point measured at the building corners from the first finished floor.
 - (2) The height limit shall not apply to roof-mounted heating, air-conditioning or other mechanical equipment, except that such equipment shall not exceed a maximum height of 10-feet and shall not occupy more than 25% of the roof area. Additionally, such equipment shall setback from the roof edge a minimum of 10 feet and be screened by a wall, cover or by other means and that such screening shall be in keeping with the architectural motif of the building.

- (3) Building height for all other structures shall be limited to a building height of 3-stories over below grade structured parking. The maximum building height shall not exceed 45 feet.

H. Architectural Design Standards.

- (1) Horizontal articulation between floors. Each facade should be designed to have a delineated floor line between street level and upper floors. This delineation can be in the form of a masonry belt course, a concrete lintel or a cornice line delineated by wood detailing.
- (2) Vertical articulation. Each building facade facing a public right-of-way must have elements of vertical articulation comprised of columns, piers, recessed windows or entry designs, overhangs, ornamental projection of the molding, different exterior materials or wall colors, or recessed portions of the main surface of the wall itself. The vertical articulations shall be designed in accordance with the following:
 - (a) Each vertical articulation shall be no greater than thirty (30) feet apart.
 - (b) Each vertical articulation shall be a minimum of one (1) foot deep.
 - (c) Each vertical projection noted above may extend into the required front yard a maximum of eighteen (18) inches in depth.
 - (d) Building walls with expansive blank walls are prohibited on any building façade regardless of its orientation.
- (3) Architectural Materials.
 - (a) Permitted Foundation Materials: Brick masonry, stone masonry, cement-parged concrete block;
 - (b) Permitted Façade Materials: Brick masonry, stone masonry, stucco, wood siding/shingles for buildings designed to resemble a single-family residential building type only, fiber-cement siding/shingles to resemble a single-family residential building type only;
 - (c) Permitted Façade Accent Materials: Cast Stone, wood, fiber-cement trim, siding, and panels, composite trim, siding, and panels, architectural metal.
- (4) Roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

- (5) Fenestration shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
- (6) All buildings should relate harmoniously to the site's natural features and existing buildings, as well as other structures in the vicinity that have a visual relationship and orientation to the proposed buildings. Such features should be incorporated into the design of building form and mass and assist in the determination of building orientation in order to preserve visual access to natural and man-made community focal points.
- (7) Buildings should be broken into segments having vertical orientation. A visual or physical break shall be required where buildings have a front wall that exceeds 125 feet in length, and in such case a visual or physical break shall be provided minimally every 50 linear feet.
- (8) Buildings with expansive blank walls are prohibited. Appropriate facade treatments should be imposed to ensure that such buildings and facades are integrated with the rest of the development and the entirety of the building.
- (9) New buildings are encouraged to incorporate such building elements as entrances, corners, graphic panels, display windows, etc., as a means to provide a visually attractive environment.
- (10) Cornices, awnings, canopies, flagpoles, signage, and other ornamental features should be encouraged as a means to enhance the visual environment. Such features may be permitted to project over pedestrian sidewalks, with a minimum vertical clearance of 8.5 feet, to within four feet of a curb.
- (11) A "human scale" of development should be achieved at grade and along street frontages through the use of such elements as windows, doors, columns, awnings and canopies.
- (12) Multi-tenant buildings shall provide varied storefronts and such elements as noted above for all ground-floor tenants. Upper floors shall be coordinated with ground floors through common materials and colors.
- (13) Design emphasis should be placed on primary building entrances. They should be vertical in character, particularly when there is the need to provide contrast with a long linear building footprint, and such details as piers, columns, and framing should be utilized to reinforce verticality.
- (14) Refuse and recycling shall be located interior to a building or alternatively, if located outside, the refuse area shall be appropriately screened by decorative masonry wall consistent with the type of building materials used within the development not to exceed 6 feet.

(15) Rooftop utilities including HVAC units shall be shielded from public view with appropriate screening that complements the character of the building's architecture.

(16) Signage shall be coordinated within the development and complement the architectural design of the building.

§365- Affordable Housing Requirements. Residential development, shall comply with all provisions of Chapter 153 titled "Affordable Housing."

SECTION 5. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Bergen County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15 and 40:55D-62.1. The Borough Clerk shall execute any necessary Proofs of Service of the notices required by this section and shall keep any such proofs on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

SECTION 6. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Wallington for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board, is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provision in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

SECTION 7. If any paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 8. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 9. This ordinance shall take effect immediately upon: (i) adoption; and (ii) publication in accordance with the laws of the State of New Jersey.

Introduced:

Adopted: